

*Extract from:*

# UNITED NATIONS JURIDICAL YEARBOOK

1970

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

Chapter III. Selected decisions, recommendations and reports of a legal character by the United Nations and related intergovernmental organizations



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

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### Chapter III

## SELECTED DECISIONS, RECOMMENDATIONS AND REPORTS OF A LEGAL CHARACTER BY THE UNITED NATIONS AND RELATED INTERGOVERNMENTAL ORGANIZATIONS

### A. Decisions, recommendations and reports of a legal character by the United Nations

United Nations General Assembly—twenty-fifth session

#### 1. CELEBRATION OF THE TWENTY-FIFTH ANNIVERSARY OF THE UNITED NATIONS (AGENDA ITEM 21)

Resolution [2627 (XXV)] adopted by the General Assembly

#### **2627 (XXV). Declaration on the Occasion of the Twenty-fifth Anniversary of the United Nations**

*The General Assembly*

*Adopts the following Declaration:*

#### DECLARATION ON THE OCCASION OF THE TWENTY-FIFTH ANNIVERSARY OF THE UNITED NATIONS

We, the representatives of the States Members of the United Nations, assembled at United Nations Headquarters on 24 October 1970 on the occasion of the twenty-fifth anniversary of the coming into force of the Charter of the United Nations, now solemnly declare that:

1. In furtherance of the anniversary objectives of peace, justice and progress, we reaffirm our dedication to the Charter of the United Nations and our will to carry out the obligations contained in the Charter.

2. The United Nations, despite its limitations, has, in its role as a centre for harmonizing the actions of nations in attaining the purposes mentioned in Article 1 of the Charter, made an important contribution to the maintenance of international peace and security, to developing friendly relations based on respect for the principle of equal rights and self-determination of peoples and to achieving international co-operation in economic, social, cultural and humanitarian fields. We reaffirm our deep conviction that the United Nations can provide a most effective means to strengthen the freedom and independence of nations.

3. In pursuance of the purposes of the Charter, we reaffirm our determination to respect the principles of international law concerning friendly relations and co-operation among States. We will exert our utmost efforts to develop such relations among all States, irrespective of their political, economic and social systems, on the basis of strict observance of the principles of the Charter, and in particular the principle of sovereign equality of States, the principle that States shall refrain in their international relations from the threat

or use of force against the territorial integrity or political independence of any State, the principle that they shall settle their international disputes by peaceful means, the duty not to intervene in matters within the domestic jurisdiction of any State, the duty of States to co-operate with one another in accordance with the Charter, and the principle that States shall fulfil in good faith the obligations assumed by them in accordance with the Charter. The progressive development and codification of international law, in which important progress was made during the first twenty-five years of the United Nations, should be advanced in order to promote the rule of law among nations. In this connexion we particularly welcome the adoption today 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>1</sup>

4. Despite the achievements of the United Nations, a grave situation of insecurity still confronts the Organization and armed conflicts occur in various parts of the world, while at the same time the arms race and arms expenditure continue and a large part of humanity is suffering from economic under-development. We reaffirm our determination to take concrete steps to fulfil the central task of the United Nations—the preservation of international peace and security—since the solution to many other crucial problems, notably those of disarmament and economic development, is inseparably linked thereto, and to reach agreement on more effective procedures for carrying out United Nations peace-keeping consistent with the Charter. We invite all Member States to resort more often to the peaceful settlement of international disputes and conflicts by the means provided for in the Charter, notably through negotiation, inquiry, mediation, conciliation, arbitration and judicial settlement, making use as appropriate of the relevant organs of the United Nations, as well as through resort to regional agencies or arrangements or other peaceful means of their own choice.

5. On the threshold of the Disarmament Decade, we welcome the important international agreements which have already been achieved in the limitation of armaments, especially nuclear arms. Conscious of the long and difficult search for ways to halt and reverse the arms race and of the grave threat to international peace posed by the continuing development of sophisticated weapons, we look forward to the early conclusion of further agreements of this kind and to moving forward from arms limitation to a reduction of armaments and to disarmament everywhere, particularly in the nuclear field, with the participation of all nuclear Powers. We call upon all Governments to renew their determination to make concrete progress towards the elimination of the arms race and the achievement of the final goal—general and complete disarmament under effective international control.

6. We acclaim the role of the United Nations in the past twenty-five years in the process of the liberation of peoples of colonial, Trust and other Non-Self-Governing Territories. As a result of this welcome development, the number of sovereign States in the Organization has been greatly increased and colonial empires have virtually disappeared. Despite these achievements, many Territories and peoples continue to be denied their right to self-determination and independence, particularly in Namibia, Southern Rhodesia, Angola, Mozambique and Guinea (Bissau), in deliberate and deplorable defiance of the United Nations and world opinion by certain recalcitrant States and by the illegal régime of Southern Rhodesia. We reaffirm the inalienable right of all colonial peoples to self-determination, freedom and independence and condemn all actions which deprive any people of these rights. In recognizing the legitimacy of the struggle of colonial peoples for their freedom by all appropriate means at their disposal, we call upon all Governments

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<sup>1</sup> Resolution 2625 (XXV), reproduced in this *Yearbook*, p. 104.

to comply in this respect with the provisions of the Charter, taking into account the Declaration on the Granting of Independence to Colonial Countries and Peoples adopted by the United Nations in 1960. We re-emphasize that these countries and peoples are entitled, in their just struggle, to seek and to receive all necessary moral and material help in accordance with the purposes and principles of the Charter.

7. We strongly condemn the evil policy of *apartheid*, which is a crime against the conscience and dignity of mankind and, like nazism, is contrary to the principles of the Charter. We reaffirm our determination to spare no effort, including support to those who struggle against it, in accordance with the letter and spirit of the Charter, to secure the elimination of *apartheid* in South Africa. We also condemn all forms of oppression and tyranny wherever they occur and racism and the practice of racial discrimination in all its manifestations.

8. The United Nations has endeavoured in its first twenty-five years to further the Charter objectives of promoting respect for, and observance of, human rights and fundamental freedoms for all. The international conventions and declarations concluded under its auspices give expression to the moral conscience of mankind and represent humanitarian standards for all members of the international community. The Universal Declaration of Human Rights, the International Covenants on Human Rights, the International Convention on the Elimination of All Forms of Racial Discrimination and the Convention on the Prevention and Punishment of the Crime of Genocide constitute a landmark in international co-operation and in the recognition and protection of the rights of every individual without any distinction. Although some progress has been achieved, serious violations of human rights are still being committed against individuals and groups in several regions of the world. We pledge ourselves to a continued and determined struggle against all violations of the rights and fundamental freedom of human beings, by eliminating the basic causes of such violations, by promoting universal respect for the dignity of all people without regard to race, colour, sex, language or religion, and in particular through greater use of the facilities provided by the United Nations in accordance with the Charter.

9. During the past twenty-five years, efforts have been made, by adopting specific measures and by fashioning and employing new institutions, to give concrete substance to the fundamental objectives enshrined in the Charter, to create conditions of stability and well-being and to ensure a minimum standard of living consistent with human dignity. We are convinced that such economic and social development is essential to peace, international security and justice. The nations of the world have, therefore, resolved to seek a better and more effective system of international co-operation whereby the prevailing disparities may be banished and prosperity secured for all. International efforts for economic and technical co-operation must be on a scale commensurate with that of the problem itself. In this context, the activities of the United Nations system designed to secure the economic and social progress of all countries, in particular the developing countries, which have grown significantly in the past twenty-five years, should be further strengthened and increased. Partial, sporadic and half-hearted measures will not suffice. On the occasion of this anniversary, we have proclaimed the 1970s to be the Second United Nations Development Decade, which coincides with and is linked to the Disarmament Decade, and have adopted the International Development Strategy for the Second United Nations Development Decade.<sup>2</sup> We urge all Governments to give their full support to its most complete and effective implementation in order to realize the fundamental objectives of the Charter.

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<sup>2</sup> Resolution 2626 (XXV).

10. The new frontiers of science and technology demand greater international co-operation. We reaffirm our intention to make full use, *inter alia*, through the United Nations, of the unprecedented opportunities created by advances in science and technology for the benefit of peoples everywhere in such fields as outer space, the peaceful uses of the sea-bed beyond national jurisdiction and the improvement of the quality of the environment, so that the developed and developing countries can share equitably scientific and technical advances, thus contributing to the acceleration of economic development throughout the world.

11. The great increase in the membership of the Organization since 1945 testifies to its vitality; however, universality in terms of membership in the Organization has not yet been achieved. We express the hope that in the near future all other peace-loving States which accept and, in the judgement of the Organization, are able and willing to carry out the obligations of the Charter will become Members. It is furthermore desirable to find ways and means to strengthen the Organization's effectiveness in dealing with the growing volume and complexity of its work in all areas of its activities, and notably those relating to the strengthening of international peace and security, including a more rational division and co-ordination of work among the various agencies and organizations of the United Nations system.

12. Mankind is confronted today by a critical and urgent choice: either increased peaceful co-operation and progress or disunity and conflict, even annihilation. We, the representatives of the States Members of the United Nations, solemnly observing the twenty-fifth anniversary of the United Nations, reaffirm our determination to do our utmost to ensure a lasting peace on earth and to observe the purposes and principles embodied in the Charter, and express full confidence that the actions of the United Nations will be conducive to the advancement of mankind along the road to peace, justice and progress.

*1833rd plenary meeting,  
24 October 1970.*

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2. (a) QUESTION OF THE RESERVATION EXCLUSIVELY FOR PEACEFUL PURPOSES OF THE SEA-BED AND THE OCEAN FLOOR, AND THE SUBSOIL THEREOF, UNDERLYING THE HIGH SEAS BEYOND THE LIMITS OF PRESENT NATIONAL JURISDICTION, AND THE USE OF THEIR RESOURCES IN THE INTERESTS OF MANKIND: REPORT OF THE COMMITTEE ON THE PEACEFUL USES OF THE SEA-BED AND THE OCEAN FLOOR BEYOND THE LIMITS OF NATIONAL JURISDICTION
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- (c) VIEWS OF MEMBER STATES ON THE DESIRABILITY OF CONVENING AT AN EARLY DATE A CONFERENCE ON THE LAW OF THE SEA: REPORT OF THE SECRETARY-GENERAL



(d) QUESTION OF THE BREADTH OF THE TERRITORIAL SEA AND RELATED MATTERS

(AGENDA ITEM 25)

Resolution [2749 (XXV)] adopted by the General Assembly

**2749 (XXV). Declaration of Principles Governing the Sea-Bed and the Ocean Floor, and the Subsoil Thereof, beyond the Limits of National Jurisdiction**

*The General Assembly,*

*Recalling* its resolutions 2340 (XXII) of 18 December 1967, 2467 (XXIII) of 21 December 1968 and 2574 (XXIV) of 15 December 1969, concerning the area to which the title of the item refers.

*Affirming* that there is an area of the sea-bed and the ocean floor, and the subsoil thereof, beyond the limits of national jurisdiction, the precise limits of which are yet to be determined,

*Recognizing* that the existing legal régime of the high seas does not provide substantive rules for regulating the exploration of the aforesaid area and the exploitation of its resources,

*Convinced* that the area shall be reserved exclusively for peaceful purposes and that the exploration of the area and the exploitation of its resources shall be carried out for the benefit of mankind as a whole,

*Believing* it essential that an international régime applying to the area and its resources and including appropriate international machinery should be established as soon as possible,

*Bearing in mind* that the development and use of the area and its resources shall be undertaken in such a manner as to foster the healthy development of the world economy and balanced growth of international trade, and to minimize any adverse economic effects caused by the fluctuation of prices of raw materials resulting from such activities,

*Solemnly declares* that:

1. The sea-bed and ocean floor, and the subsoil thereof, beyond the limits of national jurisdiction (hereinafter referred to as the area), as well as the resources of the area, are the common heritage of mankind.

2. The area shall not be subject to appropriation by any means by States or persons, natural or juridical, and no State shall claim or exercise sovereignty or sovereign rights over any part thereof.

3. No State or person, natural or juridical, shall claim, exercise or acquire rights with respect to the area or its resources incompatible with the international régime to be established and the principles of this Declaration.

4. All activities regarding the exploration and exploitation of the resources of the area and other related activities shall be governed by the international régime to be established.

5. The area shall be open to use exclusively for peaceful purposes by all States, whether coastal or land-locked, without discrimination, in accordance with the international régime to be established.

6. States shall act in the area in accordance with the applicable principles and rules of international law, including the Charter of the United Nations and the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among

States in accordance with the Charter of the United Nations, adopted by the General Assembly on 24 October 1970,<sup>3</sup> in the interests of maintaining international peace and security and promoting international co-operation and mutual understanding.

7. The exploration of the area and the exploitation of its resources shall be carried out for the benefit of mankind as a whole, irrespective of the geographical location of States, whether land-locked or coastal, and taking into particular consideration the interests and needs of the developing countries.

8. The area shall be reserved exclusively for peaceful purposes, without prejudice to any measures which have been or may be agreed upon in the context of international negotiations undertaken in the field of disarmament and which may be applicable to a broader area. One or more international agreements shall be concluded as soon as possible in order to implement effectively this principle and to constitute a step towards the exclusion of the sea-bed, the ocean floor and the subsoil thereof from the arms race.

9. On the basis of the principles of this Declaration, an international régime applying to the area and its resources and including appropriate international machinery to give effect to its provisions shall be established by an international treaty of a universal character, generally agreed upon. The régime shall, *inter alia*, provide for the orderly and safe development and rational management of the area and its resources and for expanding opportunities in the use thereof, and ensure the equitable sharing by States in the benefits derived therefrom, taking into particular consideration the interests and needs of the developing countries, whether land-locked or coastal.

10. States shall promote international co-operation in scientific research exclusively for peaceful purposes:

(a) By participation in international programmes and by encouraging co-operation in scientific research by personnel of different countries;

(b) Through effective publication of research programmes and dissemination of the results of research through international channels;

(c) By co-operation in measures to strengthen research capabilities of developing countries, including the participation of their nationals in research programmes. No such activity shall form the legal basis for any claims with respect to any part of the area or its resources.

11. With respect to activities in the area and acting in conformity with the international régime to be established, States shall take appropriate measures for and shall co-operate in the adoption and implementation of international rules, standards and procedures for, *inter alia*:

(a) The prevention of pollution and contamination, and other hazards to the marine environment, including the coastline, and of interference with the ecological balance of the marine environment;

(b) The protection and conservation of the natural resources of the area and the prevention of damage to the flora and fauna of the marine environment.

12. In their activities in the area, including those relating to its resources, States shall pay due regard to the rights and legitimate interests of coastal States in the region of such activities, as well as of all other States, which may be affected by such activities. Consultations shall be maintained with the coastal States concerned with respect to activities relating to the exploration of the area and the exploitation of its resources with a view to avoiding infringement of such rights and interests.

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<sup>3</sup> Resolution 2625 (XXV), reproduced in this *Yearbook*, p. 104.

13. Nothing herein shall affect:

(a) The legal status of the waters superjacent to the area or that of the air space above those waters;

(b) The rights of coastal States with respect to measures to prevent, mitigate or eliminate grave and imminent danger to their coastline or related interests from pollution or threat thereof or from other hazardous occurrences resulting from or caused by any activities in the area, subject to the international régime to be established.

14. Every State shall have the responsibility to ensure that activities in the area, including those relating to its resources, whether undertaken by governmental agencies, or non-governmental entities or persons under its jurisdiction, or acting on its behalf, shall be carried out in conformity with the international régime to be established. The same responsibility applies to international organizations and their members for activities undertaken by such organizations or on their behalf. Damage caused by such activities shall entail liability.

15. The parties to any dispute relating to activities in the area and its resources shall resolve such dispute by the measures mentioned in Article 33 of the Charter of the United Nations and such procedures for settling disputes as may be agreed upon in the international régime to be established.

*1933rd plenary meeting,  
17 December 1970.*

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### 3. INTERNATIONAL CO-OPERATION IN THE PEACEFUL USES OF OUTER SPACE: REPORT OF THE COMMITTEE ON THE PEACEFUL USES OF OUTER SPACE (AGENDA ITEM 26)

Resolution [2733 C (XXV)] adopted by the General Assembly

#### **2733 (XXV). International co-operation in the peaceful uses of outer space**

C

*The General Assembly,*

*Recalling* its resolutions 2600 (XXIV) and 2601 (XXIV) of 16 December 1969,

*Having considered* the report of the Committee on the Peaceful Uses of Outer Space,<sup>4</sup>

*Reaffirming* the common interest of mankind in furthering the exploration and use of outer space for peaceful purposes,

*Recognizing* the importance of international co-operation in developing the rule of law in the exploration and peaceful uses of outer space,

*Convinced* of the need for increased efforts to promote applications of space technology for the benefit of all countries, particularly the developing countries,

*Believing* that the benefits of space exploration can be extended to States at all stages of economic and scientific development if Member States conduct their space programmes in a manner designed to promote the maximum international co-operation, including the widest possible and practical application of information in this field,

1. *Endorses* the recommendations and decisions contained in the report of the Committee on the Peaceful Uses of Outer Space;

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<sup>4</sup> See *Official Records of the General Assembly, Twenty-fifth Session, Supplement No. 20 (A/8020)*.

2. *Requests* the Committee on the Peaceful Uses of Outer Space to continue to study questions relative to the definition of outer space and the utilization of outer space and celestial bodies including various implications of space communications, as well as those comments which, may be brought to the attention of the Committee by specialized agencies and the International Atomic Energy Agency as a result of their examination of problems that have arisen or that may arise from the use of outer space in the fields within their competence;

3. *Invites* those States which have not yet become 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 and the Agreement on the Rescue of Astronauts, the Return of Astronauts and the Return of Objects Launched into Outer Space to give consideration to ratifying or acceding to those agreements so that they may have the broadest possible effect;

4. *Reaffirms its belief*, as expressed in its resolution 1721 D (XVI) of 20 December 1961, that communication by means of satellites should be available to the nations of the world as soon as practicable on a global and non-discriminatory basis, and recommends that States parties to negotiations regarding international arrangements in the field of satellite communication should constantly bear this principle in mind so that its ultimate realization may be achieved;

5. *Welcomes* the intensified efforts of the Committee on the Peaceful Uses of Outer Space to encourage international programmes to promote such practical applications of space technology as earth resources surveying, for the benefit of both developed and developing countries, and commends to the attention of Member States, specialized agencies and interested United Nations bodies the new programmes and proposals to promote international benefits from space applications noted by the Committee in its report, such as the organization of technical panels, the utilization of internationally sponsored education and training opportunities in the practical applications of space technology and the conduct of experiments in the transfer of space-generated technology to non-space applications;

6. *Takes note* of the recommendation of the Scientific and Technical Sub-Committee of the Committee on the Peaceful Uses of Outer Space that the travel and subsistence of participants in the technical panels mentioned in paragraph 5 above should be funded by their own Governments, but that the United Nations may give timely assistance in exceptional cases within the existing programmes of the United Nations where this appears necessary both to defray costs and to stimulate interest in special areas;

7. *Welcomes* the efforts of Member States to share with other interested Member States the practical benefits which may be derived from their programmes in space technology, including earth resources surveying;

8. *Requests* the Scientific and Technical Sub-Committee, as authorized by the Committee on the Peaceful Uses of Outer Space, to determine at its next session whether, at what time and in what specific frame of reference to convene a working group on earth resources surveying, with special reference to satellites, and in so doing to take into account the importance of appropriate co-ordination with the Committee on Natural Resources, established under Economic and Social Council resolution 1535 (XLIX) of 27 July 1970;

9. *Welcomes* the efforts of Member States to keep the Committee on the Peaceful Uses of Outer Space fully informed of their activities and invites all Member States to do so;

10. *Notes with appreciation* the report of the Expert on Applications of Space Technology concerning the promotion of space applications;<sup>5</sup>

<sup>5</sup> See *Official Records of the General Assembly, Twenty-fifth Session, Supplement No. 20 (A/8020)*, annex II.

11. *Recalls* the recommendation<sup>6</sup> that Member States give consideration to designating specific offices or individuals, within their Governments, as a point of contact for communications regarding the promotion of the application of space technology and thereafter inform the Secretary-General of such designations, and urges those Member States which have not yet designated a point of contact to do so;

12. *Takes note* of the report provided by the Secretary-General to the Committee on the Peaceful Uses of Outer Space concerning improved co-ordination of Secretariat activities in the field of outer space;<sup>7</sup>

13. *Endorses* the suggestion of the Scientific and Technical Sub-Committee that the Secretary-General should bring to the attention of Member States all relevant documents relating to applications of space technology submitted to the Sub-Committee by Member States, the United Nations, the specialized agencies and other bodies;

14. *Approves* the continuing sponsorship by the United Nations of the Thumba Equatorial Rocket Launching Station and the CELPA Mar del Plata Station and recommends that Member States should give consideration to the use of these facilities for appropriate space research activities;

15. *Notes* that, in accordance with General Assembly resolution 1721 B (XVI) of 20 December 1961, the Secretary-General continues to maintain a public registry of objects launched into orbit or beyond on the basis of information furnished by Member States;

16. *Endorses* the recommendation of the Committee on the Peaceful Uses of Outer Space that the Secretary-General be requested to issue an index of existing international instruments—conventions, treaties and agreements—relating to or bearing upon broadcasting satellite services;

17. *Requests* the specialized agencies and the International Atomic Energy Agency to furnish the Committee on the Peaceful Uses of Outer Space with progress reports on their work in the field of the peaceful uses of outer space, and to examine and report to the Committee on the particular problems which arise or may arise from the use of outer space in the fields within their competence and which should in their opinion be brought to the attention of the Committee;

18. *Requests* the Committee on the Peaceful Uses of Outer Space to continue its work as set out in the present resolution and in previous resolutions of the General Assembly, and to report to the Assembly at its twenty-sixth session.

*1932nd plenary meeting,  
16 December 1970.*

#### 4. QUESTION OF CHEMICAL AND BACTERIOLOGICAL (BIOLOGICAL) WEAPONS: REPORT OF THE CONFERENCE OF THE COMMITTEE ON DISARMAMENT (AGENDA ITEM 28)

Resolution [2662 (XXV)] adopted by the General Assembly

##### **2662 (XXV). Question of chemical and bacteriological (biological) weapons**

*The General Assembly,*

*Mindful* of the increasing concern of the international community over developments in the field of chemical and bacteriological (biological) weapons,

<sup>6</sup> *Ibid.*, *Twenty-fourth Session, Supplement No. 21 (A/7621)*, annex II, para. 25.

<sup>7</sup> *Ibid.*, *Twenty-fifth Session, Supplement No. 20 (A/8020)*, annex III.

Recalling its resolutions 2454 A (XXIII) of 20 December 1968 and 2603 B (XXIV) of 16 December 1969,

Having considered the report of the Conference of the Committee on Disarmament,<sup>8</sup>

Noting the report entitled *Chemical and Bacteriological (Biological) Weapons and the Effects of Their Possible Use*,<sup>9</sup> prepared by the Secretary-General in accordance with General Assembly resolution 2454 A (XXIII), with the assistance of consultant experts, and the report of the World Health Organization's group of consultants entitled *Health Aspects of Chemical and Biological Weapons*,<sup>10</sup>

Deeply convinced that the prospects for international peace and security, as well as the achievement of the goal of general and complete disarmament under effective international control, would be enhanced if the development, production and stockpiling of chemical and bacteriological (biological) agents for purposes of war were to end and if those agents were eliminated from all military arsenals,

Conscious of the need to maintain inviolate 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>11</sup> and to ensure its universal applicability,

Conscious of the urgent need for all States that have not already done so to accede to the Geneva Protocol,

1. Reaffirms its resolution 2162 B (XXI) of 5 December 1966 and calls anew for the 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 Warfare, signed at Geneva on 17 June 1925;

2. Invites all States that have not already done so to accede to or ratify the Geneva Protocol;

3. Takes note of:

(a) The revised draft Convention for the Prohibition of Biological Methods of Warfare,<sup>12</sup> submitted on 18 August 1970 to the Conference of the Committee on Disarmament by the United Kingdom of Great Britain and Northern Ireland;

(b) The revised draft Convention on the Prohibition of the Development, Production and Stockpiling of Chemical and Bacteriological (Biological) Weapons and on the Destruction of Such Weapons,<sup>13</sup> submitted on 23 October 1970 to the General Assembly by Bulgaria, the Byelorussian Soviet Socialist Republic, Czechoslovakia, Hungary, Mongolia, Poland, Romania, the Ukrainian Soviet Socialist Republic and the Union of Soviet Socialist Republics;

(c) The working papers, expert views and suggestions put forward in the Conference of the Committee on Disarmament and in the First Committee;

4. Takes further note of the joint memorandum on the question of chemical and bacteriological (biological) methods of warfare,<sup>14</sup> submitted on 25 August 1970 to the Conference of the Committee on Disarmament by Argentina, Brazil, Burma, Ethiopia,

<sup>8</sup> *Official Records of the Disarmament Commission, Supplement for 1970*, document DC/233.

<sup>9</sup> United Nations publication, Sales No.: E.69.I.24.

<sup>10</sup> World Health Organization (Geneva, 1970).

<sup>11</sup> League of Nations, *Treaty Series*, vol. XCIV (1929), No. 2138.

<sup>12</sup> *Official Records of the Disarmament Commission, Supplement for 1970*, document DC/233, annex C, document CCD/255/Rev.2.

<sup>13</sup> *Official Records of the General Assembly, Twenty-fifth Session, Annexes*, agenda items 27, 28, 29, 30, 31, 93 and 94, document A/8136.

<sup>14</sup> *Official Records of the Disarmament Commission, Supplement for 1970*, document DC/233, annex C, document CCD/310.

India, Mexico, Morocco, Nigeria, Pakistan, Sweden, the United Arab Republic and Yugoslavia;

5. *Commends* the following basic approach, contained in the joint memorandum, for reaching an effective solution to the problem of chemical and bacteriological (biological) methods of warfare:

(a) It is urgent and important to reach agreement on the problem of chemical and bacteriological (biological) methods of warfare:

(b) Both chemical and bacteriological (biological) weapons should continue to be dealt with together in taking steps towards the prohibition of their development, production and stockpiling and their effective elimination from the arsenals of all States;

(c) The issue of verification is important in the field of chemical and bacteriological (biological) weapons, and verification should be based on a combination of appropriate national and international measures, which would complement and supplement each other, thereby providing an acceptable system that would ensure the effective implementation of the prohibition;

6. *Requests* the Conference of the Committee on Disarmament to continue its consideration of the problem of chemical and bacteriological (biological) methods of warfare, with a view to prohibiting urgently the development, production and stockpiling of those weapons and to their elimination from the arsenals of all States;

7. *Requests* the Conference of the Committee on Disarmament to submit a report on the results achieved to the General Assembly at its twenty-sixth session;

8. *Requests* the Secretary-General to transmit to the Conference of the Committee on Disarmament all documents and records of the First Committee relating to questions connected with the problem of chemical and bacteriological (biological) methods of warfare.

*1919th plenary meeting,  
7 December 1970.*

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## 5. URGENT NEED FOR SUSPENSION OF NUCLEAR AND THERMONUCLEAR TESTS: REPORT OF THE CONFERENCE OF THE COMMITTEE ON DISARMAMENT (AGENDA ITEM 29)

Resolution [2663 B (XXV)] adopted by the General Assembly

**2663 (XXV). Urgent need for suspension of nuclear and thermonuclear tests**

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*The General Assembly,*

*Having considered* the question of the urgent need for suspension of nuclear and thermonuclear tests and the report of the Conference of the Committee on Disarmament,<sup>15</sup>

*Recalling* its resolutions 1762 (XVII) of 6 November 1962, 1910 (XVIII) of 27 November 1963, 2032 (XX) of 3 December 1965, 2163 (XXI) of 5 December 1966, 2343 (XXII) of 19 December 1967, 2455 (XXIII) of 20 December 1968 and 2604 B (XXIV) of 16 December 1969,

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<sup>15</sup> *Official Records of the Disarmament Commission, Supplement for 1970, document DC/233.*

*Noting with regret* that all States have not yet adhered to the Treaty Banning Nuclear Weapon Tests in the Atmosphere, in Outer Space and under Water, signed in Moscow on 5 August 1963,<sup>16</sup>

*Noting with increasing concern* that nuclear weapon tests in the atmosphere and underground are continuing,

*Taking into account* that several concrete suggestions have been set forth in the Conference of the Committee on Disarmament as to possible provisions in a treaty banning underground nuclear weapon tests,

1. *Urges* all States that have not yet done so to adhere without further delay to the Treaty Banning Nuclear Weapon Tests in the Atmosphere, in Outer Space and under Water;

2. *Calls upon* all nuclear-weapon States to suspend nuclear weapon tests in all environments;

3. *Requests* the Conference of the Committee on Disarmament to continue, as a matter of urgency, its deliberations on a treaty banning underground nuclear weapon tests, taking into account the proposals already made in the Conference as well as the views expressed at the current session of the General Assembly, and to submit to the Assembly at its twenty-sixth session a special report on the results of its deliberations.

*1919th plenary meeting,  
7 December 1970.*

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## 6. CONSIDERATION OF MEASURES FOR THE STRENGTHENING OF INTERNATIONAL SECURITY: REPORT OF THE SECRETARY-GENERAL (AGENDA ITEM 32)

Resolution [2734 (XXV)] adopted by the General Assembly

### **2734 (XXV). Declaration on the Strengthening of International Security**

*The General Assembly,*

*Recalling* the determination of the peoples of the United Nations, as proclaimed by the Charter, to save succeeding generations from the scourge of war, and to this end to live together in peace with one another as good neighbours and to unite their strength to maintain international peace and security,

*Considering* that in order to fulfil the purposes and principles of the United Nations Member States must strictly abide by all provisions of the Charter,

*Recalling* its resolution 2606 (XXIV) of 16 December 1969 in which the General Assembly, *inter alia*, expressed the desire that the twenty-fifth year of the Organization's existence should be marked by new initiatives to promote peace, security, disarmament and economic and social progress for all mankind and the conviction of the urgent need to make the United Nations more effective as an instrument for maintaining international peace and security,

*Mindful* of the observations, proposals and suggestions advanced during the debate at the twenty-fourth session of the General Assembly or presented subsequently by Governments of Member States concerning the attainment of this objective, and of the report

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<sup>16</sup> United Nations, *Treaty Series*, vol. 480, p. 43.



submitted by the Secretary-General in conformity with paragraph 5 of resolution 2606 (XXIV),<sup>17</sup>

*Having in mind* the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations, adopted unanimously at the current session,<sup>18</sup>

*Conscious* of its duty to examine in depth the present international situation and to study the means and recourses provided by the relevant provisions of the Charter in order to build peace, security and co-operation in the world,

1. *Solemnly reaffirms* the universal and unconditional validity of the purposes and principles of the Charter of the United Nations as the basis of relations among States irrespective of their size, geographical location, level of development or political, economic and social systems and declares that the breach of these principles can not be justified in any circumstances whatsoever;

2. *Calls upon* all States to adhere strictly in their international relations to the purposes and principles of the Charter, including the principle that States shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any State or in any other manner inconsistent with the purposes of the United Nations; the principle that States shall settle their international disputes by peaceful means in such a manner that international peace and security and justice are not endangered; the duty not to intervene in matters within the domestic jurisdiction of any State, in accordance with the Charter; the duty of States to co-operate with one another in accordance with the Charter; the principle of equal rights and self-determination of peoples; the principle of sovereign equality of States; and the principle that States shall fulfil in good faith the obligations assumed by them in accordance with the Charter;

3. *Solemnly reaffirms* that, in the event of a conflict between the obligations of the Members of the United Nations under the Charter and their obligations under any other international agreement, their obligations under the Charter shall prevail;

4. *Solemnly reaffirms* that States must fully respect the sovereignty of other States and the right of peoples to determine their own destinies, free of external intervention, coercion or constraint, especially involving the threat or use of force, overt or covert, and refrain from any attempt aimed at the partial or total disruption of the national unity and territorial integrity of any other State or country;

5. *Solemnly reaffirms* that every State has the duty to refrain from the threat or use of force against the territorial integrity and political independence of any other State, and that the territory of a State shall not be the object of military occupation resulting from the use of force in contravention of the provisions of the Charter that the territory of a State shall not be the object of acquisition by another State resulting from the threat or use of force, that no territorial acquisition resulting from the threat or use of force shall be recognized as legal and that every State has the duty to refrain from organizing, instigating, assisting or participating in acts of civil strife or terrorist acts in another State;

6. *Urges* Member States to make full use and seek improved implementation of the means and methods provided for in the Charter for the exclusively peaceful settlement of any dispute or any situation, the continuance of which is likely to endanger the maintenance of international peace and security, including negotiation, inquiry, mediation, conciliation, arbitration, judicial settlement, resort to regional agencies or arrangements, good offices including those of the Secretary-General, or other peaceful means of their own choice,

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<sup>17</sup> A/7922 and Add.1-6.

<sup>18</sup> Resolution 2625 (XXV), reproduced in this *Yearbook*, p. 104.

it being understood that the Security Council in dealing with such disputes or situations should also take into consideration that legal disputes should as a general rule be referred by the parties to the International Court of Justice in accordance with the provisions of the Statute of the Court;

7. *Urges* all Member States to respond to the immediate need to agree on guidelines for more effective peace-keeping operations in accordance with the Charter, which could increase the effectiveness of the United Nations in dealing with situations endangering international peace and security, and consequently to support the efforts of the Special Committee on Peace-keeping Operations to reach agreement on all questions relating to such operations, as well as on provisions for their appropriate and equitable financing;

8. *Recognizes* the need for effective, dynamic and flexible measures, in accordance with the Charter, to prevent and remove threats to the peace, suppress acts of aggression or other breaches of the peace, and in particular for measures to build, maintain and restore international peace and security;

9. *Recommends* that the Security Council take steps to facilitate the conclusion of the agreements envisaged in Article 43 of the Charter in order fully to develop its capacity for enforcement action as provided for under Chapter VII of the Charter;

10. *Recommends* that the Security Council consider, in conformity with Article 29 of the Charter, whenever appropriate and necessary, the desirability of establishing subsidiary organs, on an *ad hoc* basis, and with the participation of the parties concerned, when conditions so warrant, to assist the Council in the performance of its functions as defined in the Charter;

11. *Recommends* that all States contribute to the efforts to ensure peace and security for all nations and to establish, in accordance with the Charter, an effective system of universal collective security without military alliances;

12. *Invites* Member States to do their utmost to enhance by all possible means the authority and effectiveness of the Security Council and of its decisions;

13. *Calls upon* the Security Council, including the permanent members, to intensify efforts to discharge, in conformity with the Charter, its primary responsibility for the maintenance of international peace and security;

14. *Recommends* that Member States support the efforts of the Special Committee on the Question of Defining Aggression to bring its work to a successful conclusion, thus achieving the definition of aggression as soon as possible;

15. *Reaffirms* its competence under the Charter to discuss and recommend measures for the peaceful adjustment of any situation which it deems likely to impair the general welfare or friendly relations among States, including situations resulting from a violation of the provisions of the Charter setting forth the purposes and principles of the United Nations;

16. *Urges* all Member States to implement the decisions of the Security Council in accordance with their obligations under Article 25 of the Charter and to respect, as provided for in the Charter, the resolutions of United Nations organs responsible for the maintenance of international peace and security and the peaceful settlement of disputes;

17. *Urges* Member States to reaffirm their will to respect fully their obligations under international law in accordance with the relevant provisions of the Charter and to continue and intensify the efforts towards the progressive development and codification of international law;

18. *Calls upon* all States to desist from any forcible or other action which deprives peoples, in particular those still under colonial or any other form of external domination,

of their inalienable right to self-determination, freedom and independence and to refrain from military and repressive measures aimed at preventing the attainment of independence by all dependent peoples in accordance with the Charter and in furtherance of the objectives of General Assembly resolution 1514 (XV) of 14 December 1960, and render assistance to the United Nations and, in accordance with the Charter, to the oppressed peoples in their legitimate struggle in order to bring about the speedy elimination of colonialism or any other form of external domination;

19. *Affirms* its belief that there is a close connexion between the strengthening of international security, disarmament and the economic development of countries, so that any progress made towards any of these objectives will constitute progress towards all of them;

20. *Urges* all States, particularly the nuclear-weapon States, to make urgent and concerted efforts within the framework of the Disarmament Decade and through other means for the cessation and reversal of the nuclear and conventional arms race at an early date, the elimination of nuclear weapons and other weapons of mass destruction and the conclusion of a treaty on general and complete disarmament under effective international control, as well as to ensure that the benefits of the technology of the peaceful use of nuclear energy shall be available to all States, to the maximum extent possible, without discrimination;

21. *Emphatically reiterates* the need to undertake, within the framework of the Second United Nations Development Decade, urgent and concerted international action based on a global strategy aimed at reducing and eliminating as soon as possible the economic gap between developed and developing countries, which is closely and essentially correlated to the strengthening of the security of all nations and the establishment of lasting international peace;

22. *Solemnly reaffirms* that universal respect for and full exercise of human rights and fundamental freedoms and the elimination of the violation of those rights are urgent and essential to the strengthening of international security, and hence resolutely condemns all forms of oppression, tyranny and discrimination, particularly racism and racial discrimination, wherever they occur;

23. *Resolutely condemns* the criminal policy of *apartheid* of the Government of South Africa and reaffirms the legitimacy of the struggle of the oppressed peoples to attain their human rights and fundamental freedoms and self-determination;

24. *Expresses its conviction* that the achievement of universality of the United Nations, in accordance with the Charter, would increase its effectiveness in strengthening international peace and security;

25. *Considers* that the promotion of international co-operation, including regional, subregional and bilateral co-operation among States, in keeping with the provisions of the Charter and based on the principle of equal rights and on strict respect for the sovereignty and independence of States, can contribute to the strengthening of international security;

26. *Welcomes* the decision of the Security Council<sup>19</sup> to hold periodic meetings in accordance with Article 28, paragraph 2, of the Charter and expresses the hope that these meetings will make an important contribution to the strengthening of international security;

27. *Emphasizes* the need for the United Nations to exert continuous efforts for the strengthening of international peace and security and requests the Secretary-General to submit a report to the General Assembly at its twenty-sixth session on steps taken in pursuance of the present Declaration.

1932nd plenary meeting,  
16 December 1970.

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<sup>19</sup> See *Official Records of the Security Council, Twenty-fifth Year, 1544th meeting.*

7. RESPECT FOR HUMAN RIGHTS IN ARMED CONFLICTS: REPORT OF  
THE SECRETARY-GENERAL (AGENDA ITEM 47)

Resolutions [2673 (XXV), 2674 (XXV), 2675 (XXV), 2676 (XXV) and 2677 (XXV)]  
adopted by the General Assembly

**2673 (XXV). Protection of journalists engaged in dangerous missions  
in areas of armed conflict**

*The General Assembly,*

*Recalling* its resolution 2444 (XXIII) of 19 December 1968, in which it invited the Secretary-General, in consultation with the International Committee of the Red Cross and other appropriate international organizations, to study:

(a) Steps which could be taken to secure the better application of existing humanitarian international conventions and rules in all armed conflicts,

(b) The need for additional humanitarian international conventions or for other appropriate legal instruments to ensure the better protection of civilians, prisoners and combatants in all armed conflicts,

*Recalling also* the fundamental principle that a distinction must be made at all times between combatants and persons not taking part in the hostilities,

*Considering* that it is essential for the United Nations to obtain complete information concerning armed conflicts and that journalists, whatever their nationality, have an important role to play in that regard,

*Noting with regret* that journalists engaged in missions in areas where an armed conflict is taking place sometimes suffer as a result of their professional duty, which is to inform world public opinion objectively,

*Bearing in mind* the appeal made by the Secretary-General on 30 September 1970 on behalf of missing journalists,

*Recognizing* that certain types of protection can be granted to journalists under:

(a) Article 4 of the Geneva Convention relative to the Treatment of Prisoners of War, of 12 August 1949,<sup>20</sup>

(b) Article 13 of the Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field, of 12 August 1949,<sup>21</sup>

(c) Article 13 of the Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea, of 12 August 1949,<sup>22</sup>

(d) Article 4 of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949,<sup>23</sup>

*Being aware*, however, that these provisions do not cover some categories of journalists engaged in dangerous missions and do not correspond to their present needs,

*Convinced* of the need for an additional humanitarian international instrument to ensure the better protection of journalists engaged in dangerous missions, particularly in areas where an armed conflict is taking place,

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<sup>20</sup> United Nations, *Treaty Series*, vol. 75, p. 135.

<sup>21</sup> *Ibid.*, p. 31.

<sup>22</sup> *Ibid.*, p. 85.

<sup>23</sup> *Ibid.*, p. 287.

1. *Expresses its grave concern* about the fate of press correspondents carrying out dangerous missions;
2. *Expresses its deepest regret* that some of those correspondents have paid with their lives for their conscientious approach to their missions;
3. *Invites* all States and all authorities parties to an armed conflict to respect and apply in all circumstances the provisions of the Geneva Conventions of 12 August 1949 in so far as they are applicable, in particular, to war correspondents who accompany armed forces but are not actually a part of them;
4. *Invites* the Economic and Social Council to request the Commission on Human Rights to consider at its twenty-seventh session the possibility of preparing a draft international agreement ensuring the protection of journalists engaged in dangerous missions and providing, *inter alia*, for the creation of a universally recognized and guaranteed identification document;
5. *Invites* the Commission on Human Rights to consider this question as a matter of priority at its twenty-seventh session in order that a draft international agreement may be adopted as soon as possible by the General Assembly or by some other appropriate international body;
6. *Requests* the Secretary-General, in consultation with the International Committee of the Red Cross and other appropriate international organizations, to submit a report on this question to the General Assembly at its twenty-sixth session;
7. *Decides* to give the highest priority to the consideration of this question at its twenty-sixth session.

*1922nd plenary meeting,  
9 December 1970.*

#### **2674 (XXV). Respect for human rights in armed conflicts**

*The General Assembly,*

*Recalling* its resolutions 2444 (XXIII) of 19 December 1968 and 2597 (XXIV) of 16 December 1969 and noting resolution XXIII adopted by the International Conference on Human Rights held at Teheran in 1968,<sup>24</sup>

*Referring* to resolution XIII and to the other pertinent resolutions on human rights in armed conflicts adopted by the twenty-first International Conference of the Red Cross held at Istanbul in 1969,<sup>25</sup>

*Expressing its deep concern* in connexion with the fact that wars unleashed in violation of the Charter of the United Nations in several parts of the world lead to incalculable disasters and suffering among civilians,

*Having considered with appreciation* the Secretary-General's report on respect for human rights in armed conflicts,<sup>26</sup>

1. *Solemnly reaffirms* that, in order effectively to guarantee human rights, all States should devote their efforts to averting the unleashing of aggressive wars and armed conflicts that violate the Charter of the United Nations and the provisions of the Declaration on

<sup>24</sup> *Final Act of the International Conference on Human Rights* (United Nations publication, Sales No.: E.68.XIV.2), p. 18.

<sup>25</sup> See A/7720, annex I, section D.

<sup>26</sup> A/8052.

Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations; <sup>27</sup>

2. *Condemns* the actions of countries which, in flagrant violation of the Charter, continue to conduct aggressive wars and defy the generally accepted principles of the Geneva Protocol of 1925 <sup>28</sup> and the Geneva Conventions of 1949; <sup>29</sup>

3. *Considers* that the principles of the Geneva Protocol of 1925 and the Geneva Conventions of 1949 should be strictly observed by all States and that States violating these international instruments should be condemned and held responsible to the world community;

4. *Affirms* that the participants in resistance movements and the freedom fighters in southern Africa and territories under colonial and alien domination and foreign occupation, struggling for their liberation and self-determination, should be treated, in case of their arrest, as prisoners of war in accordance with the principles of the Hague Convention of 1907 <sup>30</sup> and the Geneva Conventions of 1949;

5. *Considers* that air bombardments of civilian populations and the use of asphyxiating, poisonous or other gases and of all analogous liquids, materials and devices, as well as bacteriological (biological) weapons, constitute a flagrant violation of the Hague Convention of 1907, the Geneva Protocol of 1925 and the Geneva Conventions of 1949;

6. *Recognizes* the necessity of developing additional international instruments providing for the protection of civilian populations and freedom fighters against colonial and foreign domination as well as against racist régimes.

1922nd plenary meeting,  
9 December 1970.

## **2675 (XXV). Basic principles for the protection of civilian populations in armed conflicts**

*The General Assembly,*

*Noting* that in the present century the international community has accepted an increased role and new responsibilities for the alleviation of human suffering in any form and in particular during armed conflicts,

*Recalling* that to this end a series of international instruments has been adopted, including the four Geneva Conventions of 1949, <sup>31</sup>

*Recalling further* its resolution 2444 (XXIII) of 19 December 1968 on respect for human rights in armed conflicts,

*Bearing in mind* the need for measures to ensure the better protection of human rights in armed conflicts of all types,

*Noting with appreciation* the work that is being undertaken in this respect by the International Committee of the Red Cross,

*Noting with appreciation* the reports of the Secretary-General on respect for human rights in armed conflicts, <sup>32</sup>

<sup>27</sup> Resolution 2625 (XXV), reproduced in this *Yearbook*, p. 104.

<sup>28</sup> League of Nations, *Treaty Series*, vol. XCIV, p. 65.

<sup>29</sup> United Nations, *Treaty Series*, vol. 75.

<sup>30</sup> Carnegie Endowment for International Peace, *The Hague Conventions and Declarations of 1899 and 1907* (New York, Oxford University Press, 1915).

<sup>31</sup> United Nations, *Treaty Series*, vol. 75.

<sup>32</sup> A/7720 and A/8052.

*Convinced* that civilian populations are in special need of increased protection in time of armed conflicts,

*Recognizing* the importance of the strict application of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949,<sup>33</sup>

*Affirms* the following basic principles for the protection of civilian populations in armed conflicts, without prejudice to their future elaboration within the framework of progressive development of the international law of armed conflict:

1. Fundamental human rights, as accepted in international law and laid down in international instruments, continue to apply fully in situations of armed conflict.

2. In the conduct of military operations during armed conflicts, a distinction must be made at all times between persons actively taking part in the hostilities and civilian populations.

3. In the conduct of military operations, every effort should be made to spare civilian populations from the ravages of war, and all necessary precautions should be taken to avoid injury, loss or damage to civilian populations.

4. Civilian populations as such should not be the object of military operations.

5. Dwellings and other installations that are used only by civilian populations should not be the object of military operations.

6. Places or areas designated for the sole protection of civilians, such as hospital zones or similar refuges, should not be the object of military operations.

7. Civilian populations, or individual members thereof, should not be the object of reprisals, forcible transfers or other assaults on their integrity.

8. The provision of international relief to civilian populations is in conformity with the humanitarian principles of the Charter of the United Nations, the Universal Declaration of Human Rights and other international instruments in the field of human rights. The Declaration of Principles for International Humanitarian Relief to the Civilian Population in Disaster Situations, as laid down in resolution XXVI adopted by the twenty-first International Conference of the Red Cross,<sup>34</sup> shall apply in situations of armed conflict, and all parties to a conflict should make every effort to facilitate this application.

*1922nd plenary meeting,  
9 December 1970.*

## **2676 (XXV). Respect for human rights in armed conflicts**

*The General Assembly,*

*Recalling* that the Preamble of the Charter of the United Nations affirms faith in the dignity and worth of the human person,

*Recalling* that the United Nations has as one of its purposes the achievement of international co-operation in solving international problems of a humanitarian character and the promotion of respect for human rights,

*Reiterating* the obligation of Member States for the urgent termination of all armed aggression, as envisaged in Articles 1 and 2 of the Charter and in other relevant documents of the United Nations,

*Noting* the obligation of Member States under the Charter to promote universal respect for, and observance of, human rights,

<sup>33</sup> United Nations, *Treaty Series*, vol. 75, p. 287.

<sup>34</sup> *International Review of the Red Cross*, No. 104 (November 1969), p. 631.

Recalling its resolutions 2444 (XXIII) of 19 December 1968 and 2597 (XXIV) of 16 December 1969, in which it invited the Secretary-General, in consultation with the International Committee of the Red Cross, to study, *inter alia*:

(a) Steps which could be taken to secure the better application of existing humanitarian international conventions and rules in all armed conflicts,

(b) The need for additional humanitarian international conventions or for other appropriate legal instruments to ensure the better protection of civilians, prisoners and combatants in all armed conflicts,

*Believing*, therefore, that the treatment accorded to victims of war and armed aggression is a concern of the United Nations,

*Noting* resolution XI, adopted by the twenty-first International Conference of the Red Cross held at Istanbul in 1969,<sup>35</sup> calling upon all parties to the Geneva Convention relative to the Treatment of Prisoners of War, of 12 August 1949,<sup>36</sup> to ensure that all persons entitled to prisoner-of-war status are treated humanely and given the fullest measure of protection prescribed by the Convention, and that all parties involved in an armed conflict, no matter how it is characterized, provide free access to prisoners of war and to all places of their detention by a protecting Power or by the International Committee of the Red Cross,

*Considering* that the direct repatriation of seriously wounded and seriously sick prisoners of war and the repatriation or internment in a neutral country of prisoners of war who have undergone a long period of captivity constitute important aspects of human rights as advanced and preserved under the Geneva Convention of 1949 and the Charter of the United Nations,

1. *Calls upon* all parties to any armed conflict to comply with the terms and provisions of the Geneva Convention relative to the Treatment of Prisoners of War, of 12 August 1949, so as to ensure the humane treatment of all persons entitled to the protection of the Convention and, *inter alia*, to permit regular inspection, in accordance with the Convention, of all places of detention of prisoners of war by a protecting Power or humanitarian organization such as the International Committee of the Red Cross;

2. *Endorses* the continuing efforts of the International Committee of the Red Cross to secure the effective application of the Geneva Convention of 1949;

3. *Requests* the Secretary-General to exert all efforts to obtain humane treatment for prisoners of war, especially for the victims of armed aggression and colonial suppression;

4. *Urges* compliance with article 109 of the Geneva Convention of 1949, which requires the repatriation of seriously wounded and seriously sick prisoners of war and which provides for agreements with a view to the direct repatriation or internment in a neutral country of able-bodied prisoners of war who have undergone a long period of captivity;

5. *Urges* that combatants in all armed conflicts not covered by article 4 of the Geneva Convention of 1949 be accorded the same humane treatment defined by the principles of international law applied to prisoners of war;

6. *Urges* strict compliance with the provisions of the existing international instruments concerning human rights in armed conflicts, and urges those States which have not yet done so to ratify or accede to the relevant instruments in order to facilitate in all aspects the protection of the victims of armed conflicts.

1922nd plenary meeting,  
9 December 1970.

<sup>35</sup> *International Review of the Red Cross*, No. 104 (November 1969), p. 614.

<sup>36</sup> United Nations, *Treaty Series*, vol. 75, p. 135.



## 2677 (XXV). Respect for human rights in armed conflicts

*The General Assembly,*

*Determined* to continue all efforts to eliminate the threat or use of force in international relations, in conformity with the Charter of the United Nations, and to bring about general and complete disarmament under effective international control,

*Reaffirming* its desire to secure the full observance of human rights applicable in all armed conflicts pending the earliest possible termination of such conflicts,

*Convinced* of the continuing value of existing humanitarian rules relating to armed conflicts, in particular the Hague Conventions of 1899 and 1907,<sup>37</sup> the Geneva Protocol of 1925<sup>38</sup> and the Geneva Conventions of 1949,<sup>39</sup>

*Realizing*, however, that because existing humanitarian rules do not adequately meet all contemporary situations of armed conflict it is necessary to develop the substance of these rules and procedures for their implementation,

*Reaffirming* the principles contained in resolution XXIII adopted by the International Conference on Human Rights held at Teheran in 1968,<sup>40</sup> and in General Assembly resolutions 2444 (XXIII) of 19 December 1968 and 2597 (XXIV) of 16 December 1969,

*Aware* of the importance and complexity of the tasks undertaken in pursuance of these resolutions, which require the continuing attention and concern of the United Nations, the International Committee of the Red Cross and the international community as a whole,

*Noting with appreciation* the two reports of the Secretary-General on respect for human rights in armed conflicts,<sup>41</sup>

*Recalling* resolution XIII adopted unanimously by the twenty-first International Conference of the Red Cross held at Istanbul in 1969,<sup>42</sup> concerning the reaffirmation and development of the laws and customs applicable in armed conflicts,

*Welcoming* the decision of the International Committee of the Red Cross to convene at Geneva, from 24 May to 12 June 1971, a conference on the reaffirmation and development of international humanitarian law applicable to armed conflicts, to be attended by government experts,

*Believing* that one or more plenipotentiary diplomatic conferences of States parties to the Geneva Conventions and other interested States might be convened at an appropriate time, after due preparation, in order to adopt international legal instruments for the reaffirmation and development of humanitarian law applicable to armed conflicts,

*Considering* that the effective implementation of humanitarian rules relating to armed conflicts can best be attained if those rules are laid down in widely accepted agreements,

*Emphasizing* the importance of continued close collaboration between the United Nations and the International Committee of the Red Cross,

1. *Calls upon* all parties to any armed conflict to observe the rules laid down in the Hague Conventions of 1899 and 1907, the Geneva Protocol of 1925, the Geneva Conven-

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<sup>37</sup> Carnegie Endowment for International Peace, *The Hague Conventions and Declarations of 1899 and 1907* (New York, Oxford University Press, 1915).

<sup>38</sup> League of Nations, *Treaty Series*, vol. XCIV, p. 65.

<sup>39</sup> United Nations, *Treaty Series*, vol. 75.

<sup>40</sup> *Final Act of the International Conference on Human Rights* (United Nations publication, Sales No.: E.68.XIV.2), p. 18.

<sup>41</sup> A/7720 and A/8052.

<sup>42</sup> See A/7720, annex I, section D.

tions of 1949 and other humanitarian rules applicable in armed conflicts, and invites those States which have not yet done so to adhere to those instruments;

2. *Expresses the hope* that the conference of government experts to be convened in 1971 by the International Committee of the Red Cross will consider further what development is required in existing humanitarian laws applicable to armed conflicts, and that it will make specific recommendations in this respect for consideration by Governments;

3. *Requests* the Secretary-General:

(a) To invite early comments by Governments on his reports;

(b) To transmit his reports and the comments of Governments thereon, together with the records of relevant discussions and resolutions of the General Assembly, the Economic and Social Council and the Commission on Human Rights, to the International Committee of the Red Cross for consideration, as appropriate, by the conference of government experts;

(c) To present the comments received to the General Assembly at its twenty-sixth session and to report at that session on the results of the conference of government experts to be convened by the International Committee of the Red Cross and on any other relevant developments;

4. *Decides* to consider this question again, in all its aspects, at the twenty-sixth session.

1922nd plenary meeting,  
9 December 1970.

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## 8. QUESTION OF THE PUNISHMENT OF WAR CRIMINALS AND OF PERSONS WHO HAVE COMMITTED CRIMES AGAINST HUMANITY: REPORT OF THE SECRETARY-GENERAL (AGENDA ITEM 50)

Resolution [2712 (XXV)] adopted by the General Assembly

### **2712 (XXV). Question of the punishment of war criminals and of persons who have committed crimes against humanity**

*The General Assembly,*

*Recalling* its resolution 2583 (XXIV) of 15 December 1969 on the punishment of war criminals and of persons who have committed crimes against humanity,

*Welcoming with satisfaction* the fact that the Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity entered into force on 11 November 1970,

*Noting with regret* that the numerous decisions adopted by the United Nations on the question of the punishment of war criminals and of persons who have committed crimes against humanity are still not being fully complied with,

*Expressing deep concern* at the fact that in present-day conditions, as a result of aggressive wars and the policies and practices of racism, *apartheid* and colonialism and other similar ideologies and practices, war crimes and crimes against humanity are being committed in various parts of the world,

*Convinced* that a thorough investigation of war crimes and crimes against humanity, as well as the arrest, extradition and punishment of persons guilty of such crimes—wherever they may have been committed—and the establishment of criteria for determining compensation to the victims of such crimes, are important elements in the prevention of similar crimes now and in the future, and also in the protection of human rights and fundamental freedoms,

the strengthening of confidence and the development of co-operation between peoples and the safeguarding of international peace and security,

1. *Draws attention* to the fact that many war criminals and persons who have committed crimes against humanity are continuing to take refuge in the territories of certain States and are enjoying protection;

2. *Calls upon* all States to take measures, in accordance with recognized principles of international law, to arrest such persons and extradite them to the countries where they have committed war crimes and crimes against humanity, so that they can be brought to trial and punished in accordance with the laws of those countries;

3. *Condemns* the war crimes and crimes against humanity at present being committed as a result of aggressive wars and the policies of racism, *apartheid* and colonialism and calls upon the States concerned to bring to trial persons guilty of such crimes;

4. *Also calls upon* all the States concerned to intensify their co-operation in the collection and exchange of information which will contribute to the detection, arrest, extradition, trial and punishment of persons guilty of war crimes and crimes against humanity;

5. *Once again requests* the States concerned, if they have not already done so, to take the necessary measures for the thorough investigation of war crimes and crimes against humanity, as defined in article I of the Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity, and for the detection, arrest, extradition and punishment of all war criminals and persons guilty of crimes against humanity who have not yet been brought to trial or punished;

6. *Requests* States which have not yet become parties to the Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity to do so as soon as possible;

7. *Appeals* to Governments to provide the Secretary-General with information on the measures which they have taken or are taking to become parties to the Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity;

8. *Also appeals* to States which have not yet become parties to the Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity strictly to observe the provisions of General Assembly resolution 2583 (XXIV) to the effect that they should refrain from action running counter to the main purposes of that Convention;

9. *Requests* the Secretary-General to continue, in the light of the comments and observations submitted by Governments, the study of the question of the punishment of war crimes and crimes against humanity and the criteria for determining compensation to the victims of such crimes, in order to submit a report on this question to the General Assembly at its twenty-sixth session.

*1930th plenary meeting,  
15 December 1970.*

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## 9. ELIMINATION OF ALL FORMS OF RACIAL DISCRIMINATION

### (a) INTERNATIONAL YEAR FOR ACTION TO COMBAT RACISM AND RACIAL DISCRIMINATION: REPORT OF THE SECRETARY-GENERAL

- (b) MEASURES FOR EFFECTIVELY COMBATING RACIAL DISCRIMINATION AND THE POLICIES OF *APARTHEID* AND SEGREGATION IN SOUTHERN AFRICA: REPORT OF THE SECRETARY-GENERAL
- (c) REPORT OF THE COMMITTEE ON THE ELIMINATION OF RACIAL DISCRIMINATION, SUBMITTED UNDER ARTICLE 9 OF THE INTERNATIONAL CONVENTION ON THE ELIMINATION OF ALL FORMS OF RACIAL DISCRIMINATION
- (d) STATUS OF THE INTERNATIONAL CONVENTION ON THE ELIMINATION OF ALL FORMS OF RACIAL DISCRIMINATION: REPORT OF THE SECRETARY-GENERAL

(AGENDA ITEM 53)

Resolution [2647 (XXV)] adopted by the General Assembly

**2647 (XXV). Elimination of all forms of racial discrimination**

*The General Assembly,*

*Recalling* that Member States pledged themselves solemnly under Article 1 of the Charter of the United Nations to promote and encourage respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language or religion,

*Gravely concerned* at the persistence of *apartheid* and other forms of racial discrimination, which are an intolerable affront to the dignity of the individual,

*Noting* that disregard for fundamental human rights and manifestations of hostility or intolerance towards any race or distinct group of persons may create lasting antagonisms and deep unrest in society, aggravated by the existence of conditions of economic and social inequality,

*Aware* that discriminatory prejudices must be combated and eliminated by means of education and information as well as by the adoption of positive legislative or other measures designed to bring about a climate of understanding and co-operation among the various ethnic and cultural groups of society,

*Convinced* that the International Year for Action to Combat Racism and Racial Discrimination, which the General Assembly has proclaimed for the year 1971, will not achieve its objective unless effective measures are taken in all fields to combat attitudes and laws contrary to the principles of the Charter and the norms of the Universal Declaration of Human Rights,

*Welcoming* the entry into force of the International Convention on the Elimination of All Forms of Racial Discrimination and noting with satisfaction the first report of the Committee on the Elimination of Racial Discrimination,<sup>43</sup>

1. *Solemnly reiterates* its condemnation of all forms of racial discrimination wherever they may occur, and particularly of *apartheid*, as a flagrant contradiction of the spirit and the letter of the Charter of the United Nations and the Universal Declaration of Human Rights, and deplores the persistence of such practices;

2. *Appeals* to the Governments of countries where forms of racial discrimination still persist and to the Governments which officially apply such policies as *apartheid* to take

<sup>43</sup> *Official Records of the General Assembly, Twenty-fifth Session, Supplement No. 27 (A/8027).*

without delay all the legislative, educational and social measures necessary to end them and to ensure respect for human rights in accordance with the Charter;

3. *Vehemently affirms* the need for all men to be given an equal chance and to be enabled to live and work together in an atmosphere of mutual trust and tolerance, without discrimination and with full respect for the national and cultural identity of peoples or distinct ethnic groups;

4. *Urges* Member States to do their utmost to eliminate all racial discrimination in education, employment, housing and other fields of community life, and to encourage the development of multiracial activities with a view to removing obstacles to understanding among the various racial groups;

5. *Invites* all peoples of the world and all men of goodwill to condemn unrelentingly the evils of racial policies and to disseminate all information calculated to combat such policies;

6. *Invites* countries which are not yet parties to the International Convention on the Elimination of All Forms of Racial Discrimination to take any steps necessary to ratify it or accede to it if possible in 1971, on the occasion of the International Year for Action to Combat Racism and Racial Discrimination;

7. *Emphasizes* the importance of the work being done by the United Nations, in particular the Commission on Human Rights and the Sub-Commission on Prevention of Discrimination and Protection of Minorities, and by the specialized agencies, including the United Nations Educational, Scientific and Cultural Organization and the International Labour Organisation, and the non-governmental organizations associated with their efforts towards the elimination of all forms of racial discrimination;

8. *Reaffirms* its intention to take the opportunity of the International Year for Action to Combat Racism and Racial Discrimination to promote throughout the world social justice based on absolute respect for the dignity of the individual.

*1915th plenary meeting,  
30 November 1970.*

## 10. REPORT OF THE INTERNATIONAL LAW COMMISSION ON THE WORK OF ITS TWENTY-SECOND SESSION (AGENDA ITEM 84)

### (a) *Report of the Sixth Committee*<sup>44</sup>

*[Original: English/Spanish]  
[3 November 1970]*

#### I. INTRODUCTION

1. At its 1843rd plenary meeting, on 18 September 1970, the General Assembly included the item entitled "Report of the International Law Commission on the work of its twenty-second session" (item 84) in the agenda of its twenty-fifth session and allocated it to the Sixth Committee. The Sixth Committee considered the item at its 1186th to 1193rd, 1196th, 1197th and 1200th meetings, held from 30 September to 8 October and from 12 to 14 October 1970.

2. At the 1186th meeting, on 30 September 1970, Mr. Taslim O. Elias, Chairman of the International Law Commission at its twenty-second session, introduced the Commis-

<sup>44</sup> Document A/8147, reproduced from *Official Records of the General Assembly, Twenty-fifth Session, Annexes*, agenda item 84.

sion's report on the work of that session (A/8010 and Corr.1 and 2). At the 1193rd meeting, on 8 October 1970, he commented on the observations which has been made during the debate on the report.

3. The report of the International Law Commission, which was before the Sixth Committee, is divided into five chapters entitled: I. Organization of the session; II. Relations between States and international organizations; III. Succession of States; IV. State responsibility; V. Other decisions and conclusions of the Commission.

4. At the 1200th meeting, on 14 October 1970, the Rapporteur of the Sixth Committee raised the question whether the Committee wished to include in its report to the General Assembly a summary of the views expressed during the debate on the item. Referring to paragraph (f) of the annex to General Assembly resolution 2292 (XXII), the Rapporteur informed the Committee of the financial implications of the question. At the same meeting, the Committee decided that, in view of the nature of the subject-matter, the report should include a summary of the representative trends of opinion.

## II. PROPOSAL AND AMENDMENTS

5. At the 1197th meeting, on 13 October 1970, the representative of Austria introduced a draft resolution (A/C.6/L.795) sponsored by Afghanistan, Algeria, Argentina, Austria, Brazil, Canada, Chile, Cyprus, Ecuador, Finland, Greece, Haiti, Jamaica, Kenya, Liberia, Madagascar, Mali, Mexico, Morocco, Niger, Nigeria, Senegal, Sierra Leone, Sudan, Sweden, Syria, Venezuela and Yugoslavia, with which Uruguay later joined. The twenty-nine-Power draft resolution reads as follows:

*"The General Assembly,*

*"Having considered the report of the International Law Commission on the work of its twenty-second session,*

*"Emphasizing the need for the further codification and progressive development of international law in order to make it a more effective means of implementing the purposes and principles set forth in Articles 1 and 2 of the Charter of the United Nations and to give increased importance to its role in relations among nations,*

*"Noting with satisfaction that at its twenty-second session the International Law Commission completed its provisional draft articles on relations between States and international organizations, continued the consideration of matters concerning the codification and progressive development of the international law relating to succession of States in respect of treaties and State responsibility and included in its programme of work the question of treaties concluded between States and international organizations or between two or more international organizations, as recommended by the General Assembly in resolution 2501 (XXIV) of 12 November 1969,*

*"Noting further that the International Law Commission has proposed to hold a fourteen-week session in 1971 in order to enable it to complete the second reading of the draft articles on relations between States and international organizations and the first reading of draft articles on succession of States in respect of treaties before the end of the term of office of its present members,*

*"Noting with appreciation that the United Nations Office at Geneva organized, during the twenty-second session of the International Law Commission, a sixth session of the Seminar on International Law,*

*"1. Takes note of the report of the International Law Commission on the work of its twenty-second session;*

*"2. Expresses its profound gratitude to the International Law Commission, on the occasion of the celebration of the twenty-fifth anniversary of the United Nations, for its outstanding contribution to the achievements of the Organization during this period, particularly through*

the preparation of drafts which have served as the basis for the adoption of important codification conventions, and expresses appreciation to the Commission for the valuable work it accomplished during its twenty-second session;

"3. *Approves* the programme and organization of work of the session planned by the International Law Commission for 1971, as well as its intention to bring up to date its long-term programme of work;

"4. *Recommends* that the International Law Commission should:

"(a) Continue its work on relations between States and international organizations, taking into account the views expressed at the twenty-third, twenty-fourth and twenty-fifth sessions of the General Assembly and the comments which may be submitted by Governments, with the object of presenting in 1971 a final draft on the topic;

"(b) Continue its work on succession of States, taking into account the views and considerations referred to in General Assembly resolutions 1765 (XVII) of 20 November 1962 and 1902 (XVIII) of 18 November 1963, with a view to completing in 1971 the first reading of draft articles on succession of States in respect of treaties and making progress in the consideration of succession of States in respect of matters other than treaties;

"(c) Continue its work on State responsibility, taking into account the views and considerations referred to in General Assembly resolutions 1765 (XVII) of 20 November 1962, 1902 (XVIII) of 18 November 1963 and 2400 (XXIII) of 11 December 1968;

"(d) Continue its study of the most-favoured-nation clause;

"(e) Continue its consideration of the question of treaties concluded between States and international organizations or between two or more international organizations;

"5. *Endorses* the decision of the International Law Commission to request the Secretary-General to prepare new editions, brought up to date, of the publication entitled *The Work of the International Law Commission* and of the document entitled 'Summary of the practice of the Secretary-General as depositary of multilateral agreements';

"6. *Expresses the wish* that, in conjunction with future sessions of the International Law Commission, other seminars might be organized, which should continue to ensure the participation of an increasing number of nationals of developing countries, and supports the suggestion contained in the Commission's report concerning the use of Spanish as a working language of the Seminar on International Law;

"7. *Requests* the Secretary-General to forward to the International Law Commission the records of the discussion on the report of the Commission at the twenty-fifth session of the General Assembly."

6. The Union of Soviet Socialist Republics submitted amendments (A/C.6/L.797) to the draft resolution, as follows:

"1. Delete from the fourth paragraph of the preamble the word 'to hold a fourteen-week session in 1971 in order to enable it'.

"2. Add in the same paragraph, after 'to complete', the words 'at its session in 1971'.

"3. Delete paragraph 3, having in mind the possibility to elaborate on its basis a separate resolution.

"4. Add the following new sub-paragraph to paragraph 4:

'(f) Bring up to date as soon as possible its long-term programme of work'.

"5. Add at the end of paragraph 4 (c) the following words:

'and begin discussion of draft articles on the topic as from its next session'.

"6. Substitute for the words 'Continue consideration of the question', in sub-paragraph 4 (e), the words 'Consider the possibilities and time for initiating work on the question'.

"7. Delete from paragraph 5 the words 'new editions, brought up to date, of the publication entitled *The Work of the International Law Commission* and of'.

"8. Add the following new paragraph after the existing paragraph 4:

“5. *Recommends* that the International Law Commission should give unconditional priority to the completion of work on the draft articles on relations between States and international organizations’.”

7. The attention of the Committee was drawn to a note by the Secretariat (A/C.6/L.796) on the administrative and financial implications of the draft resolution.

### III. DEBATE

8. The main trends of the Sixth Committee's debate on the agenda item dealt with in this report are summarized below, in five sections. The general comments, on the work of the International Law Commission and on the promotion by the United Nations of the progressive development and codification of international law are summarized in section A. Sections B, C, D and E are devoted to the comments in chapters II, III, IV and V respectively of the report of the Commission on the work of its twenty-second session, and each one bears the title of the chapter to which it relates.

#### A. GENERAL COMMENTS ON THE WORK OF THE INTERNATIONAL LAW COMMISSION AND THE PROMOTION BY THE UNITED NATIONS OF THE PROGRESSIVE DEVELOPMENT AND CODIFICATION OF INTERNATIONAL LAW

9. The representatives who spoke in the debate congratulated the Commission on the valuable work done at its twenty-second session and, in particular, on the progress made in the consideration of certain important topics in its programme of work, and expressed the view that its report constituted yet another important contribution by the Commission to the promotion by the United Nations of the progressive development and codification of international law.

10. Some representatives referred to the factors which, in their view, explained the success achieved by the Commission in fulfilling the task entrusted to it by the General Assembly, such as the excellent quality and objectivity of its drafts, and their balanced and realistic nature, the high level of technical competence of its members, its efforts to take into account the points of view of Governments and the needs and interests of the international community in general, and the relations established with the General Assembly and the Sixth Committee. The latter factor was considered to be of primordial importance for the codification work of the United Nations, which, by its very nature, called for supplementary efforts by the representatives of States in the Sixth Committee and by the experts who were members of the Commission. Stress was laid on the need to strengthen and intensify those relations even further, so that the drafts prepared by the Commission would have a better chance of being accepted by Governments. It was essential for Governments to supplement the juridical considerations which guided the Commission, a subsidiary legal organ of the General Assembly, by expressing their own political, economic or administrative concerns, for otherwise there would be a risk that many conventions which had been carefully drawn up would not be observed or would not be acceded to except by a limited number of States.

11. Some representatives considered that it would be desirable to have more time, in order to be able to study in depth the annual report of the Commission, so that the latter would have more accurate information on the positions of Governments. In that connexion, it was suggested that, within the context of the organization of the Sixth Committee's work, the traditional order in which the agenda items were taken up should be reconsidered and that the examination of the report of the Commission should be left until a later stage in the General Assembly session.



12. Several representatives reiterated their Governments' support for the work of progressive development and codification of international law undertaken by the United Nations. Some observed that that work helped to strengthen international legality and was thus a powerful means of maintaining international peace and security and intensifying peaceful co-operation among all States. Others said that the progressive development and codification of international law offered an opportunity to reformulate certain traditional concepts of international law in the light of current circumstances, needs and aspirations.

13. Some representatives drew attention to the role played by State practice in the formulation of the rules of international law, and expressed the view that it would be desirable to seek to improve and complete existing sources of information on the practice. That would facilitate the progressive development and codification of international law promoted by the United Nations and, in particular, would make the drafts prepared by the Commission more soundly and broadly based. In their view, the Commission should examine the question in accordance with article 24 of its Statute; on the basis of its conclusions, steps could be taken to co-ordinate and promote national efforts to make information on State practice more accessible. Specifically, Member States could be asked to prepare collections and digests of their practice, as some were already doing, or merely to indicate the published sources of their practice. Similarly, it might be possible to examine the possibility of collecting in the United Nations *Legislative Series* (ST/LEG/SER.B/—), which now contained documentation concerning specific questions, information concerning State practice in a more general area. With regard to treaties, it was pointed out that the *List of Treaty Collections* (ST/LEG/5) published by the United Nations in 1956 was limited in scope and out of date. Stress was also laid on the urgent need to bring up to date the United Nations *Treaty Series* and for the Secretariat to make the special efforts necessary to reduce the growing delays in its publication.

14. Some representatives referred to the recent serious attacks on diplomatic agents and to the international tension they created, and stressed the need to adopt measures that would put an end to that situation and adequately guarantee the protection and inviolability of such agents. Some of them commended the Commission for having seen fit to reproduce in paragraph 11 of its report the texts of the letter dated 14 May 1970 from the President of the Security Council addressed to the Chairman of the Commission, the letter dated 5 May 1970 from the Permanent Representative of the Netherlands to the United Nations addressed to the President of the Security Council, and the letter dated 12 June 1970 from the Chairman of the Commission addressed to the President of the Security Council, and suggested that a statement on the problem of the protection and inviolability of diplomatic agents should be included in the working paper which the Commission had requested the Secretary-General to prepare in connexion with the Commission's review of its long-term programme of work (see paragraph 113 below).

## B. RELATIONS BETWEEN STATES AND INTERNATIONAL ORGANIZATIONS

### I. OBSERVATIONS ON QUESTIONS RELATING TO THE DRAFT ARTICLES ON REPRESENTATIVES OF STATES TO INTERNATIONAL ORGANIZATIONS, AS A WHOLE

15. Many representatives expressed satisfaction that the Commission had been able in 1970 to complete the first reading of its draft articles on representatives of States to international organizations, and congratulated the Commission and the Special Rapporteur on the topic, Mr. El-Erian, on the results achieved. The sixty-six new draft articles on permanent observer missions (part III—articles 51 to 77) and on delegations to organs and to conferences (part IV—articles 78 to 116), together with the first twenty-one draft articles

adopted in 1968<sup>45</sup> and the further twenty-nine adopted in 1969<sup>46</sup> on general provisions (part I—articles 1 to 5) and on permanent missions (part II—articles 6 to 50), constituted an excellent working basis for the second reading and gave good grounds for anticipating that the Commission would be able at its next session to adopt a final set of draft articles on the topic.

16. Most representatives who referred to the draft articles during the debate indicated that their comments were of a general and preliminary nature and that their Governments would study the draft carefully and submit detailed written observations thereon to the Commission within the specified time-limit.

#### (a) *Scope of the draft*

17. It was generally considered appropriate that the Commission had limited the scope of the draft to international organizations of universal character (article 2) and had included in its provisions regulating the status of permanent missions of member States, permanent observer missions of non-member States, and delegations to organs of international organizations or to conferences convened by such organizations. Some representatives were nevertheless of the opinion that the Commission, when reviewing the draft, should try to supplement it with provisions regulating the status of certain categories of missions, delegations or persons that had for the time being been excluded from its cope. In that connexion, certain representatives enumerated the following: permanent missions and permanent observer missions to international organizations not of a universal character; permanent observer missions of States, not members of an organization; non-permanent observer missions and temporary observers; observers to organs and at conferences; delegations to conferences convened by States; representatives of national liberation movements, of peoples who were victims of colonialism or of groups fighting against racial discrimination or *apartheid*. It was also mentioned that the question of the juridical links between the host State and the meeting or conference convened in its territory should be examined. Lastly, interest was expressed in the fact that the Commission was to examine the possible effects of exceptional situations on the representatives of States in international organizations.

#### (b) *Structure of the draft*

18. A number of delegations stressed that, at the second reading, the Commission should harmonize the various provisions of the draft and try to formulate them as stringently and precisely as possible. In particular, it was stated that the present number of articles was excessive and should be reduced through appropriate use of the technique of "drafting by reference". It was also suggested that, despite the differences between the two categories of missions, some of the provisions relating to permanent missions and to permanent observer missions could perhaps be combined, in order to simplify the general form of the draft.

#### (c) *Use of terms*

19. It was observed that the provisions relating to the use of terms (articles 1, 51 and 78) could be properly formulated only in the light of the final form and structure of the draft as a whole. At the second reading, therefore, the Commission should review those provisions and eliminate any lack of precision or duplication that might exist.

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<sup>45</sup> See *Official Records of the General Assembly, Twenty-third Session, Supplement No. 9*, chap. II.

<sup>46</sup> *Ibid.*, *Twenty-fourth Session, Supplement No. 10*, chap. II.

(d) *Form of the work*

20. The general opinion was that the draft constituted a suitable basis for a future convention on the subject. Some delegations, however, took the view that it would be preferable to prepare a code to serve as a model, rather than a general convention which, owing to the great variety of international organizations and their differing purposes and functions, would probably have to be complemented by specific agreements in individual cases. Moreover, a convention would raise a number of legal problems such as its relationship to existing agreements on the subject (conventions on privileges and immunities of specific international organizations, headquarters agreements, etc.) and the question whether or not international organizations, on which the draft imposed certain obligations, could become parties to the convention.

(e) *Relationship between the draft and other relevant rules and agreements*

21. It was said that the Commission had been right to include in the draft provisions (articles 3-5) safeguarding existing rules and agreements concerning particular international organizations and permitting the conclusion of new agreements in the future. However, certain representatives wondered what effect the adoption of a new set of rules would have on existing agreements on the subject, such as the Convention on the Privileges and Immunities of the United Nations adopted by the General Assembly (resolution 22 (I)), since the draft did not merely codify general principles but contained practical provisions similar to those included in those agreements. Although article 4 of the draft stated that the provisions of the draft articles would not affect other agreements in force, it should be remembered that in the present case, in contrast to the situation existing when the rules relating to consular relations had been codified, the agreements in question were mainly multilateral agreements. Furthermore, if previous instruments would not be merged into the future instrument that was now being prepared, as seemed to be the case, it was to be feared that the final outcome of the codification effort would simply be the adoption of yet another convention which would be added to the long list of instruments already existing in that field.

(f) *Consultations between the sending State, the host State and international organizations*

22. If any question arose between the sending State and the host State concerning the implementation of the draft articles, some representatives expressly supported the Commission's intention (see A/8010, para. 21) that article 50, on consultations among the sending State, the host State and an organization, which was now included at the end of part II, should be transformed into a general provision applicable also to parts III and IV of the draft. In that connexion, it was said that the scope of the article should not be limited to questions arising between the sending State and the host State, and it was suggested that the existing text should be amended so that the article would begin with the words: "If any question arises among the sending State, the host State and the Organization . . .".

23. Other representatives said that the Commission should seek for rules which, while guaranteeing the interests of the sending State and the independence of the organization concerned, should also adequately protect the host State against possible abuses by persons enjoying a privileged position under the provisions of the draft. Even the protection of the host State in cases of criminal acts did not seem to be sufficiently guaranteed by the draft. Those representatives considered that provisions such as those contained in article 50 or articles 45, 76 and 112 were inadequate.

24. Some representatives said that the sending State should be obliged to withdraw from its mission or delegation any person who had interfered in the internal affairs of the host State, if the latter so requested. Others agreed with the view, provided that the

organization concerned would determine whether interference in internal affairs had occurred. The commission of a grave and manifest violation of the criminal law of the host State and engaging in professional or commercial activities in that State were also mentioned as legitimate grounds for requesting the recall of a member of a delegation or mission.

## 2. OBSERVATIONS ON PART III (PERMANENT OBSERVER MISSIONS) AND PART IV (DELEGATIONS TO ORGANS AND TO CONFERENCES) OF THE DRAFT ARTICLES

### (a) *General comments*

25. Several representatives noted that the formulation of rules concerning the legal status and the facilities, privileges and immunities of "permanent observer missions" and of "delegations to organs and to conferences", in the context of the draft articles on representatives of States to international organizations, would fill a gap which existed at present in general international law.

26. Certain representatives expressed doubt about the need for a general codification of the status of permanent observer missions, believing that existing practice and international courtesy resolved the question satisfactorily in each specific case. However, many representatives who took part in the debate stressed the particular importance of that codification. The need for it was demonstrated by the very fact that the Charter of the United Nations, General Assembly resolution 169 (II) on the Headquarters Agreement and General Assembly resolution 257 (III) on permanent missions to the United Nations contained no provisions on permanent observer missions of non-member States. In that connexion, it was recalled that the Secretary-General had stated in the introduction to his annual report on the work of the Organization covering the period 16 June 1965 to 15 June 1966 that "all countries should be encouraged and enabled, if they wish to do so, to follow the work of the Organization more closely"<sup>47</sup> in the opinion of the latter representatives, the codification of the legal status of permanent observer missions would promote international co-operation, ensure a more efficient functioning of international organizations and might be useful to solve some of the problems posed by the "micro-States".

27. Similarly, it was pointed out by other representatives that the formulation of rules concerning permanent observer missions was consistent with the principle of universality and represented an important step towards the elimination of certain discriminatory practices. Pointing out that the Charter was based on universality or that universality was one of the primary objectives of the United Nations, those representatives stated that the establishment of a suitable legal status for permanent observer missions would promote the achievement of the principles and purposes of the Organization. In that connexion, other representatives rejected the unqualified statement that the Charter was based on the principle of universality; universality was a goal that should be attained through the fulfilment of the criteria and requirements laid down in Article 4 of the Charter.

28. Some representatives, emphasizing the need to ensure the effective performance of their functions by permanent observer missions and delegations to organs and conferences, endorsed the solutions proposed by the Commission to determine the privileges and immunities of such missions and delegations. Those representatives considered that, even if they were established by non-member States, permanent observer missions were of a representative and permanent character and that their privileges and immunities should therefore be generally the same as those accorded to "permanent missions", subject to any minor changes which the special characteristics of the functions of permanent observer missions might make it advisable to introduce in individual provisions. They also shared

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<sup>47</sup> *Ibid.*, *Twenty-first Session, Supplement No. IA*, p. 14.

the opinion that the privileges and immunities of delegations to organs and to conferences should, in view of the representative character of such delegations and the temporary nature of their tasks, be formulated in the light of the privileges and immunities of "special missions" and, after any adjustments necessitated by their temporary nature, by reference to the law of international organizations. It was pointed out that the alternative suggested by some—the privileges and immunities would be limited to those which were strictly "necessary for the performance of the functions"—was not sufficiently precise, would lead to inequalities of treatment and would open the way to subjective interpretations of the relevant provisions. In the opinion of those representatives, the Commission had struck a proper balance between the preservation of the interests of the host State and the need to protect relations between permanent observer missions and organizations and the freedom of operation of delegations to organs and to conferences.

29. Other representatives supported in principle the approach adopted by the Commission to the question of the privileges and immunities of permanent observer missions and delegations to organs and to conferences. They felt, however, that the representative character of those missions and delegations and the functions which they performed justified granting them the full range of diplomatic immunities and privileges, without discrimination and irrespective of their permanent or temporary nature. In the view of those representatives, therefore, it would be advisable for the Commission to follow the Vienna Convention on Diplomatic Relations<sup>48</sup> of 1961 more closely and to remove from the draft article any elements which did not conform to contemporary diplomatic law.

30. Other representatives felt that the objective criterion of functional necessity, embodied in Article 105 of the Charter of the United Nations, rather than theories based on the representative character or on unjustified parallels, should be point of departure for delimiting the privileges and immunities of permanent observer missions and delegations to organs and conferences. There was no legal or historical basis for the view that every mission or delegation was automatically entitled, because it was acting on behalf of a State, to the full range of diplomatic privileges and immunities. Permanent observer missions did not have the same representative capacity as "diplomatic missions" or the same functions and responsibilities as the permanent missions of Member States. Moreover, delegations to organs and conferences did not have the same functions as did special missions, nor did they have the same character.

31. Those representatives expressed reservations about the Commission's approach to the matter. In their opinion, the draft articles relating to the privileges and immunities of permanent observer missions and of delegations to organs and to conferences were based too closely on diplomatic law, tended without justification to identify permanent observer missions with permanent missions and delegations to organs and conferences with special missions, and departed from contemporary practice and existing agreements. The Convention on the Privileges and Immunities of the United Nations and the Convention on the Privileges and Immunities of the Specialized Agencies (General Assembly resolution 179(II)) should be regarded, as a general rule, as a maximum and no privileges and immunities which were not really necessary should be asked for. In their present form the draft articles could produce the anomalous situation in which delegations to organs and conferences of lesser importance would be accorded a higher scale of privileges and immunities than delegations to United Nations organs or conferences convened under its auspices. Those representatives concluded by expressing the hope that the Commission would review the draft

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<sup>48</sup> United Nations Conference on Diplomatic Intercourse and Immunities, 1961, *Official Records*, vol. II (United Nations publication, Sales No.: 62.X.I), p. 82.

articles in question in the light of those observations, for it was essential to avoid the future convention being ratified by only a small number of States.

32. In support of the observations mentioned in the preceding paragraph, it was stated that limiting privileges and immunities was the best way of ensuring their application in practice; that it was desirable to avoid imposing excessively heavy administrative burdens on the host State; that parliaments and public opinion were opposed to broadening the categories of persons enjoying privileged treatment; that special missions could be sent to another State only with the latter's consent and that the number of persons enjoying privileges and immunities by virtue of such missions was much smaller than the number of persons constituting delegations to organs or to conferences; and that an unnecessarily high level of privileges and immunities would make States reluctant to invite international organizations or conferences to establish themselves or meet in their territory. In response to the latter argument, it was said that no State was obliged to permit an organization to establish its headquarters or an organ or conference to meet in its territory, but if it did it should accept the obligation to accord the appropriate privileges and immunities to the missions and delegations concerned.

33. It was also said that although the Commission based its draft as a whole on functional necessity, it departed from that criterion with regard to some specific provisions. Attention was drawn to the difference between multilateral diplomacy and bilateral diplomacy. In the case of the latter, the host State could protect itself by various measures such as the declaration of *persona non grata*, reciprocity, etc. The interests at stake were much more complex and much less complementary in multilateral diplomacy, where it could happen that the host State did not recognize the sending State.

34. Certain representatives said they had no objection to the scope of the privileges and immunities conferred in the draft articles, provided that they were applied only to organizations in the United Nations family and to others of similar importance. In their view, it was necessary to find a more precise definition of the term "international organization of universal character".

35. Finally, attention was drawn to the question of the application of the privileges and immunities provided for in the draft articles to the large numbers of regional or technical conferences convened by international organizations of a universal character; the view was expressed that it would be advisable to limit the application of the draft articles to the more important conferences and organs of such organizations.

#### (b) *Comments on specific provisions*

#### *Part III: Permanent observer missions to international organizations*

##### *Article 51 (a) (Definition of the term "permanent observer mission")*

36. The definition of the term "permanent observer mission" contained in article 51, sub-paragraph (a), mentions the "representative character" of such missions. During the debate, stress was laid on the importance of that question with regard to the general structure of part III of the draft and, in particular, the determination of the scope of the facilities, privileges and immunities which should be accorded to permanent observer missions. In that connexion, certain representatives referred to paragraph (2) of the commentary on article 53, which stated that a permanent observer mission did not represent the sending State "in" the organization but "at" the organization.

37. Some representatives said that permanent observer missions did indeed have a "representative character" and that the reference to it should therefore be retained. Others

considered that that reference should be deleted, since an observer observed but did not represent.

38. It was also said that if the term "representation" was taken in the technical sense, it was clear that permanent observer missions were not representative, since in order to be representative in an international organization a State had to be a member of it. By definition, an observer did not participate in the organization's decisions and did not, in principle, have the right to take part in its debates. However, if the term "representation" was given the wider meaning which it had in ordinary usage and if emphasis was laid on the link which existed between the sending State and its permanent observer mission it might be possible to speak of "representation", because the mission acted on behalf of the State which had appointed it. The sending State was not a member of the organization, but the permanent observer mission, in so far as it acted within the limits of its functions on behalf of the sending State, could be considered representative of that State.

39. Lastly, it was pointed out that in article 51, sub-paragraph (a), it would be useful to insert the words, "as defined in article 1" after the words "international organization", in view of the considerations outlined in paragraph (1) of the commentary on that article.

#### *Article 52 (Establishment of permanent observer missions)*

40. The provisions of the article as well as the principles on which they were based, were interpreted in different ways. In the light of those interpretations, some representatives thought that the provisions should be retained unchanged, others considered they should be redrafted in order to eliminate the existing ambiguity, and others proposed to amend the article, while a fourth group stated that, perhaps the best course might be to consider deleting it altogether.

41. Several representatives considered that the article should be retained as drafted by the Commission, because it recognized the need to enable States which were not members of international organizations to follow their work which was of interest to the international community as a whole, while safeguarding the essential autonomy of those organizations and respect for their rules and practice. Those representatives felt that non-member States did not have an unconditional and absolute right to establish permanent observer missions, for that right was subject to and conditioned by the rules of practice of the organization concerned. The will of the organization could not be ignored. Some of them added that if the organization had no relevant rules or practice, the establishment of such missions would be regulated by the provisions of the future convention to be drawn up on the basis of the draft articles. Certain representatives thought that it would be advisable for paragraph (2) of the commentary on the article to specify that the rule provided for in the article presupposed that the organization concerned was of universal character.

42. Other representatives stressed that the establishment of a permanent observer mission by a non-member State was a question whose practical solution should continue to depend on the rules and general practice of the organization concerned or on specific agreements concluded for that purpose. Principles such as the sovereign equality of States or universality could not prevail over the rules and practice of international organizations in that sphere. If no such rules and practices existed, the establishment of permanent observer missions should remain subject to an agreement between the sending State and the host State or the international organization concerned. The future convention was not the proper instrument to grant non-member States an absolute and unreserved right to establish permanent observer missions. Since the article in its entire form had been interpreted in other ways, those representatives considered that the Commission should redraft it, bearing in mind the considerations they had mentioned. It was also suggested that

paragraph (3) of the commentary should be redrafted in order to bring it into line with the text of the article.

43. Other representatives considered that the Commission should give the article a broader legal basis more in keeping with the principles of sovereign equality of States and universality. They proposed that the phrase "in accordance with the rules or practice of the Organization" should be deleted from the article. In their view, the article should state clearly that non-member States had the right to establish permanent observer missions in order to perform the functions mentioned in article 53 of the draft. The existing wording was unduly restrictive, created the possibility of discrimination between States in contradiction with the other provisions of the draft, did not take fully into account the considerations formulated in the commentary on the article, did not facilitate the implementation of the principle of universality or, generally speaking, the purposes and principles of international organizations of universal character, and was inconsistent with the aforementioned statement of the Secretary-General. It was also pointed out that in any case the "rules or practice" referred to in the article could not be considered valid unless they conformed to the general principles of the Charter of the United Nations. Reference to them would merely create difficulties in the interpretation of the provisions of the article.

44. It was also said that the existing wording of the article was unsatisfactory because the phrase "in accordance with the rules or practice of the Organization" could give rise to interpretations which assimilated the requirements for the establishment of permanent observer missions to the conditions and procedures provided for in Article 4 of the Charter for the admission of States to membership in the United Nations. Since the main purpose of permanent observer missions was precisely to enable non-member States to follow closely the work of organizations of universal character, a restrictive interpretation of that kind should be precluded by redrafting the article in a more suitable way.

45. The view was also expressed that the Commission was not supposed to deal with the question of the "right" of non-member States to follow closely the activities of international organizations of universal character in the context of its draft articles on representatives of States to international organizations. The situation of permanent observer missions could only be improved through a better interpretation of the statutes of international organizations.

46. Lastly, some representatives questioned the need for the article and said that the Commission should re-examine the question of retaining it. The deletion of the article would affect neither the symmetry nor the legal content of the rest of the draft. In that connexion, it was also pointed out that the wording of the article raised the difficult question of determining what entities were entitled to be regarded as States. It was also suggested that the main point at issue was the right of States members of an organization to maintain control over the establishment of permanent observer missions; the efficacy of and the need for the article should be considered from that standpoint.

*Article 53 (Functions of a permanent observer mission)*

47. Certain representatives questioned the desirability of attempting an enumeration of the functions of a permanent observer mission. Each observer mission constituted a special case and it would therefore be inadvisable to lay down guidelines which would inevitably tend to introduce an element of rigidity in practice. Certain representatives observed that permanent observer missions maintained the necessary liaison between the sending State and the organization but did not represent that State in the organization. [Concerning the representative character of permanent observer missions, see paragraphs 36 to 38 above.] Representatives of non-member States could sometimes be invited to participate in meetings of organs or conferences on an equal footing with member States, but in



such cases the representatives of non-member States fell into the category of “delegations to organs and to conferences” and not into that of “permanent observer missions”. It was also observed that, strictly speaking, “negotiation” was not one of the functions of an observer.

*Article 55 (Appointment of the members of the permanent observer mission)*

48. Certain representatives agreed with the principle of the freedom of choice by the sending State of the members of the permanent observer mission. Others took the view that the article did not give adequate protection to the host State.

*Article 63 (Offices of permanent observer missions)*

49. Some doubts were expressed about paragraph 2 of the article. International practice had not yet crystallized sufficiently to warrant the inclusion of such a provision in the draft articles. Certain representatives said that it was inadvisable to give the impression of encouraging States to establish offices of their permanent observer missions in the territory of a State other than the host State because such situations gave rise to problems, particularly where privileges and immunities were involved. On the other hand, it was argued that to make such establishment conditional on the prior consent of the host State might cause special difficulties for newly independent countries which still lacked an extensive network of embassies and missions.

*Article 64 (Use of [flag and] emblem)*

50. There were differences of opinion concerning the right of the permanent observer mission to use the flag of the sending State. Certain representatives took the view that reference to the use of the flag should be deleted because it sufficed to grant such missions the right to use the emblem. Others, however, suggested that the reference to the flag should be retained, on the ground that a permanent observer mission had the right to use both the emblem and the flag of the sending State.

*Article 67 (Privileges and immunities of the permanent observer mission)*

51. This article refers back to articles 25, 26, 27, 29 and 38, paragraph 1 (a), relating to permanent missions. Some representatives made the general comment that the privileges and immunities thus granted to permanent observer missions might be too extensive, and suggested that the Commission should reconsider the question.

52. Other representatives emphasized that the inviolability of the premises of the mission, as provided for in article 25, must be respected and ensured. These representatives criticized the present wording of paragraph 1 of the latter article and expressed the view that, even in case of disaster, no derogation from the inviolability of the premises should be allowed without the permission of the head of the mission concerned. A further comment was that the words at the end of article 25, paragraph 1,—“and only in the event that it has not been possible to obtain the express consent of the permanent representative”—were too restrictive of the presumption of consent in case of fire or other disaster that seriously endangered public safety provided for in that paragraph; it was suggested those words should be replaced by a sentence based on the criterion of “the reasonableness of efforts to obtain the consent of the permanent representative”. [In connexion with the inviolability of premises, see also comments on article 94 in paragraph 68 below.]

*Article 68 (Freedom of movement) and article 69 (Personal privileges and immunities)*

53. Article 68 refers back to article 28, part II of the draft which relates to permanent missions, and article 69 refers back to articles 30, 31, 32, 35, 36, 37, 38, paragraphs 1 (b) and 2, and 40 in the same part. The general comment was made that the Commission

should reconsider whether all the privileges and immunities thus granted were really necessary in the case of permanent observer missions and their members.

54. With regard to article 30 on personal inviolability, it was stated that consideration should be given to insertion of a second paragraph, reading: "This principle does not exclude in respect of the permanent representative either measures of self-defence or, in exceptional circumstances, measures to prevent him from committing serious crimes or offences".

55. In reference to the categories of persons enjoying privileges and immunities under the terms of article 40, paragraph 1, concerning the members of the family forming part of the household of the permanent representative and those of a member of the diplomatic staff of the permanent mission, respectively, it was observed that the phrase in that paragraph "if they are not nationals of the host State" should be replaced by "if they are not nationals of or permanently resident in the host State".

*Article 71 (Waiver of immunity and settlement of civil claims)*

56. This article refers back to articles 33 and 34 relating to permanent missions. The view was expressed that, where a waiver of immunity could not be obtained because it would impede the performance of the functions of the permanent observer mission, the sending State should use its best endeavours to bring about a just settlement of the claim.

*Article 73 (Duration of privileges and immunities)*

57. This article refers back to article 42 relating to permanent missions. In connexion with the notifications mentioned in article 42, paragraph 1, the view was expressed that mention should be made only of notification to the host State "by the Organization".

*Article 75 (Non-discrimination)*

58. Some representatives agreed with the inclusion of this article in the draft, noting that it was based on the principle of sovereign equality of States proclaimed in the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations, adopted by the General Assembly on 24 October 1970 in resolution 2625 (XXV) at the closing meeting of the commemorative session on the occasion of the twenty-fifth anniversary of the United Nations.

*Article 76 (Conduct of the permanent observer mission and its members)*

59. This article refers back to articles 45 and 46 relating to permanent missions. It was argued that the provision concerning respect for the laws and regulations of the host State (article 45) did not give adequate protection to that State, since it could not be established whether the person concerned had committed a "grave and manifest violation" so long as the sending State did not waive his immunity.

60. The view was also expressed that a provision concerning compulsory insurance against third-party risks arising from the use, in the host State, of vehicles owned by permanent observer missions or their members should be included in this article.

*Article 77 (End of functions)*

61. This article refers back to articles 47, 48 and 49 relating to permanent missions. It was stated that article 48, concerning facilities for departure, imposed an unrealistic duty on the host State. The last sentence of that article should be replaced by the following: "It shall, in case of emergency, facilitate in every possible way the obtaining of means of transport for them, and for such of their personal effects as is reasonable under the circumstances, to leave the territory".

*Part IV: Delegations of States to organs and to conferences*

62. Observations similar to those mentioned above in connexion with articles 55, 71 and 75 in part III of the draft were made on article 84 (Appointment of the members of the delegation), article 101 (Waiver of immunity) and article 111 (Non-discrimination), respectively. In addition, there were the observations summarized below.

*Article 79 (Derogation from the present part) and article 80 (Conference rules of procedure)*

63. It was noted with approval that these articles introduced an element of flexibility into the draft and prevented unduly rigid application of its provisions.

*Article 82 (Size of delegation)*

64. Certain representatives referred approvingly to this article. Others did not consider it really necessary and suggested its deletion. It was also stated that the article did not give adequate protection to the host State.

*Article 83 (Principle of single representation)*

65. Some representatives expressed reservations concerning the desirability of the article and its present wording. The principle of single representation should not be formulated too categorically, but provision should be made for deviation from it in certain circumstances. At a time of increasing interdependence, it seemed wrong to prevent joint representation in some cases by providing that a delegation to an organ or to a conference might represent only one State. It should be borne in mind that joint representation facilitated the participation of small and developing countries, if only for financial reasons, and that there existed international agreements concerning the representation of one country by another. The following solutions were proposed: the insertion at the beginning of the article of the words "as a rule"; the addition at the end of the article of the words "unless the rules and practice of the organ or conference otherwise provide"; the deletion of the article, leaving the solution of the question to the practice of the international organization concerned.

*Article 88 (Full powers to represent the State in the conclusion of treaties)*

66. It was observed that a representative to an organ or to a conference should be in possession of full powers for the purpose of signing a treaty and that paragraph 3 of the article was therefore redundant.

*Article 91 (Status of the Head of State and persons of high rank)*

67. The Commission was commended for having included in the draft this provision, which is based on article 21 of the Convention on Special Missions (General Assembly resolution 2530 (XXIV)).

*Article 94 (Inviolability of the premises)*

68. Some representatives urged that paragraph 1 of this article should be brought into line with the corresponding provision of the Vienna Convention on Diplomatic Relations of 1961. They expressed serious reservations with regard to the last sentence of that paragraph. In their view, the sentence should be deleted and they argued that the provision set out in it imposed limitations on the principle of inviolability of the premises that might result in practice in its virtual negation; the legal prerogative of inviolability was subject "in case of fire or other disaster that seriously endangers public safety" to the subjective evaluation of the host State in detriment of the rights of the sending State. Apart from the fact that it opened the way to abuses, the provision was ambiguously worded and might consequently lead to misunderstandings and disputes. It was noted that the

words “that seriously endangers public safety” referred only to “other disaster”, from which it would appear that “in case of fire” local authorities could enter the premises of the delegation even if there was no serious danger to public safety. Furthermore, the words “and only in the event that it has not been possible to obtain the express consent of the head of the delegation or of the head of the permanent diplomatic mission” could be interpreted to mean that local authorities were allowed to enter the premises of the delegation even if the head of the delegation or of the permanent diplomatic mission expressly refused to admit them because in his view there was no serious danger to public safety. [In connexion with this question, see observations on article 67 in paragraphs 51 and 52 above.]

*Article 100 (Immunity from jurisdiction)*

69. Some representatives expressed a preference for alternative A of this article as being broader and being based directly on the corresponding article of the Convention on Special Missions of 1969. Others stated that they favoured alternative B, because they considered that it set out all the safeguards that were needed for the proper functioning of delegations or because they felt that the future convention must be acceptable to the largest possible number of States. Other representatives expressly reserved their positions for the time being.

*Article 112 (Respect for the laws and regulations of the host State)*

70. Some representatives were of the opinion that the article did not fully guarantee the freedom of delegations' members, since on occasion they might have to perform functions of the delegation outside the premises where the organ or conference was meeting or outside the premises of the delegation.

71. Observations similar to those reported in connexion with article 76 were made [see paragraphs 59 and 60 above] with regard to protection of the host State generally and to accidents caused by vehicles owned by the delegation or its members.

## C. SUCCESSION OF STATES

### 1. OBSERVATIONS ON THE TOPIC AS A WHOLE

72. Several representatives stressed the need for the Commission to continue to give priority to the study of the various aspects of the succession of States, in view of the importance and usefulness of the progressive development and codification of the topic to all States, and particularly the new States. Congratulations were offered to the Commission on the progress it had made during its last session in studying the substantive questions raised by succession in respect of treaties, as well as to Sir Humphrey Waldock, the Special Rapporteur on that aspect of the topic, and Mr. Bedjaoui, the Special Rapporteur on “succession in respect of matters other than treaties”, on the new reports presented.<sup>49</sup>

### 2. OBSERVATIONS ON SUCCESSION IN RESPECT OF TREATIES

73. Noting that on the basis of the reports presented by Sir Humphrey Waldock, the Special Rapporteur,<sup>50</sup> the Commission had reached almost unanimous agreement on the approach to the question and the fundamental principles on which its codification should be based, a number of representatives expressed the view that the Commission was now in a position to prepare a set of draft articles on succession in respect of treaties in the

<sup>49</sup> A/CN.4/224 and Add.1 and A/CN.4/226, respectively.

<sup>50</sup> A/CN.4/202, A/CN.4/214 and Add.1 and Add.1/Corr.1 and Add.2 (reproduced in the *Yearbook of the International Law Commission*, 1970, vol. II) and A/CN.4/224 and Add.1.

near future. The hope was expressed that the first reading of the draft articles would be concluded in the course of the Commission's next session. Some representatives felt that it was premature to make any comments on the relevant part of the Commission's report. Others, however, put forward the preliminary observations summarized below.

(a) *Succession in respect of treaties and law of treaties*

74. The conclusion of the Commission that succession in respect of treaties should be dealt with as a particular topic within the framework of the law of treaties met with almost general approval. Some representatives stressed the need for the Vienna Convention on the Law of Treaties<sup>51</sup> of 1969 to be taken specially into account. However, some doubts were expressed as to the appropriateness of the conclusion referred to, on the ground that succession was a branch of international law separate from the law of treaties. It was also commented that it might be useful to undertake a parallel study of succession in respect of treaties and succession in respect of matters other than treaties. Parallel consideration of the various problems of succession would help to crystallize the general legal rules which were to be applied in all situations involving the problem of succession. That *modus operandi* would facilitate the definition of a general theory of succession based on the practice of States which had recently attained independence as a result of the decolonization process.

(b) *Specific problems of new States*

75. A number of representatives emphasized that succession in respect of treaties was of practical importance and particular interest to the new States which had recently gained their independence. They stressed the need to protect the political and economic independence of those States, and, consequently, to ensure that the rules codified should be based on the fundamental principles of contemporary international law incorporated in the United Nations Charter. Those rules should conform to principles such as those of equal rights and self-determination of peoples, sovereign equality of States and permanent sovereignty of each nation over its natural wealth and resources. In their view, it was inappropriate to speak of the transfer of sovereignty, since that implied the devolution of obligations assumed under unfair and abusive treaties, concluded by the former colonial Powers with third States in disregard of the interests of the administered Territory, which never was a part of the territory of the colonial Powers.

76. Certain representatives considered that in view of the general approach to the subject of succession in respect of treaties followed in the preliminary reports submitted by the Special Rapporteur it was no longer necessary to deal with problems arising out of decolonization in a separate chapter.

(c) *Origins and types of succession*

77. It was observed that the rules regulating succession varied considerably according to the origins and types of the succession. In cases of succession resulting from decolonization, for example, progressive development was more important than codification because many of the traditional rules were inapplicable.

78. Some representatives urged that the draft articles should look towards the future and cover all the possible causes of succession, for example the formation and dissolution of unions of States and confederations, dismemberment and, in general, all the causes of succession which could occur after accession to independence. Others considered that

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<sup>51</sup> United Nations Conference on the Law of Treaties, Official Records, *Documents of the Conference* (United Nations publication, Sales No.: E.70.V.5), p. 287.

consideration of questions relating to protectorates, mandates and trusteeships would be an anachronism and divert the attention of the Commission from really important questions.

(d) *Distinction between multilateral treaties and bilateral treaties*

79. It was felt that it was necessary to draw a distinction between succession to multilateral treaties and succession to bilateral treaties. The former were, generally speaking, susceptible of uniform treatment. Bilateral treaties, on the other hand, gave rise to varied and complex situations, so that the rules relating to succession to bilateral treaties must be drafted with much greater flexibility and care.

(e) *Definition of the term "succession"*

80. Some representatives approved the fact that the Special Rapporteur, in the relevant article of his second report<sup>52</sup> (article 1 (a)) had given up the notion of succession accepted in municipal law, which involved the devolution of rights and obligations, in favour of a definition which was more neutral and appropriate to international law: "the replacement of one State by another in the sovereignty of territory or in the competence to conclude treaties with respect to territory". These representatives considered that such a definition would help to dissipate the confusion created by the analogy between the ideas of succession in international law and in succession in municipal law. It was added that the definition should be expanded by the inclusion of a reference to the subjective element deriving from respect for the principle of self-determination; that would unequivocally indicate that the legal consequences of the replacement of State sovereignty or of the competence to conclude treaties with respect to a given territory were not automatic but dependent on the wishes of the people of the territory.

81. Other representatives, however, expressed some doubts as to the appropriateness of the definition proposed and felt that the matter should be studied in greater depth. It had to be remembered that the concept of succession was not necessarily associated with that of territory. It was also observed that the definition was not broad enough, since it did not cover the case of a revolutionary Government which did not consider itself bound by all the treaties concluded by the Government preceding it. Although properly speaking that was a case of succession of Governments, it was to be hoped that the Commission would provide some clarification in that respect.

82. Lastly, it was commented that the way in which the question of the definition of the term "succession" was resolved would to a great extent determine the scope of the future draft articles.

(f) *Definition of the expression "new State"*

83. Certain representatives considered the definition of the expression "new State" given by the Special Rapporteur in his third report<sup>53</sup> (article 1 (e)) to be unsatisfactory, and agreed on the need to reconsider it with a view to an eventual modification of the definition. To define a "new State" as "a succession where a territory which previously formed part of an existing State has become an independent State" was not historically correct, since many new States had recovered independence, and not acquired it. In addition, all new States which had emerged as a result of decolonization had never formed part of the metropolitan territory. It was also stated that the definition did not seem appropriate to other causes of succession, such as unions of States.

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<sup>52</sup> A/CN.4/214 (reproduced in the *Yearbook of the International Law Commission, 1970*, vol. II).

<sup>53</sup> A/CN.4/224.

(g) *Area of territory passing from one State to another*

84. Doubt was expressed as to whether a provision on this question should appear in the context of the introductory articles, and it was felt that in its present form the provision proposed by the Special Rapporteur in his second report (article 2) might raise difficulties in regard to problems of sovereignty and territorial integrity.

(h) *Agreements for the devolution of treaty obligations and rights*

85. Some representatives shared the view that an agreement concluded between the predecessor State and the successor State for the devolution of treaty obligations and rights upon a succession could not be considered a source of treaty relations between the successor State and third States. It was pointed out that the contrary approach would be incompatible with articles 34 and 36 of the Vienna Convention on the Law of Treaties and with customary international law. It was added that the Commission's commentary on the provision, as eventually formulated, should try to clarify the nature of devolution agreements and of the obligations which they involved.

86. Certain representatives observed that devolution agreements provided a basis on which, with the acquiescence of the third States concerned, a novation of treaty relations could occur in cases where the latter would not otherwise devolve. Such agreements, like the unilateral declarations referred to below, were conducive to a measure of continuity that was advantageous both to the new State and to third States. The new State would suffer most from the abrupt termination on independence of a large part of the treaty régime previously applicable to its territory.

(i) *Unilateral declarations*

87. Some representatives likewise considered it correct to say that a general unilateral declaration by the successor State regarding the maintenance in force of treaties previously applied to its territory by the predecessor State could not by itself create treaty relations between the successor State and a third State. Such treaty relations could be based only on a rule of international law or on specific treaty provisions. These representatives therefore considered acceptable the basic principle enunciated in the provision proposed by the Special Rapporteur in an addendum to his second report<sup>54</sup> (article 4). It was stated in this connexion that general unilateral declarations constituted a better legal basis for the maintenance in force of treaties than any presumption of continuity, but that the real problem was what effect they might by themselves produce in regard to the maintenance in force of a given treaty.

(j) *General rule regarding a new State's obligations in respect of its predecessor's treaties*

88. Support was expressed for the provision on this point proposed by the Special Rapporteur in his third report (article 6), which reads as follows:

"Subject to the provisions of the present articles, a new State is not bound by any treaty by reason only of the fact that the treaty was concluded by its predecessor and was in force in respect of its territory at the date of the succession. Nor is it under any obligation to become a party to such treaty."

89. Many representatives supported the fundamental principle enunciated in this general rule. A new State was not bound by its predecessor's treaties and was under no

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<sup>54</sup> A/CN.4/214/Add.2 (reproduced in the *Yearbook of the International Law Commission, 1970*, vol. II).

obligation to become a party to such treaties, unless it expressly agreed to do so. Contemporary positive international law did not sanction the so-called "theory of continuity" in respect of treaties, nor could the existence of a rule in favour of continuity on the basis of prevailing State practice be presumed. The principle of sovereign equality of States and the need to protect new States against any interference in their domestic affairs required that any idea of "automatic" succession to treaties concluded by the former administering Powers should be rejected. In addition, a presumption of continuity, highly desirable as it might appear in certain cases, would conflict with the principle of self-determination laid down in the United Nations Charter.

90. Some representatives stated that their support for the principle enunciated in the general rule did not mean that they approved of the extreme theory of the "clean slate". The Commission should now give thorough consideration to the various categories of treaties, especially "dispositive", "territorial" or "localized" treaties, with a view to determining what exceptions to the general rule were pertinent.

91. Certain representatives considered it impossible to assert that international law laid down absolute rules on the matter, and they consequently rejected any extreme theory. State practice varied considerably from country to country, and very few new States systematically rejected the treaties concluded by their predecessors. Absolute application of the proposed general rule would create difficulties, because the question of succession to rights was interrelated with that of succession to obligations. The principle of self-determination could not be disregarded, but it must be borne in mind that international law subjected that principle to limitations based on the need to protect the general interests of the international community and of third States. The provision enunciated in the proposed general rule could be acceptable only if it was clearly established that the successor State was bound by certain categories of treaties. These representatives reserved their final positions on the question until the Commission had considered the nature and scope of exceptions to the general rule, particularly with regard to "dispositive", "territorial" or "localized" treaties.

92. Other representatives also stressed the advantages of continuity in treaty relations. A proper balance should be struck between the continuity of obligations and the necessity of not holding new States to duties which they had not themselves undertaken. The Commission should therefore carefully examine the actual practice of States, so that the rules which it formulated would have due regard to the interests of the new States, the predecessor State and third States.

93. Various views were expressed on the scope of possible exceptions to the general rule. For instance, certain representatives felt that "territorial", "dispositive" or "localized" treaties should in principle constitute one of the exceptions. Others reserved their positions with regard to "dispositive" or "localized" treaties. Another view expressed was that the general rule applied especially to "territorial" or "dispositive" treaties. In this connexion, it was stated that the Commission should avoid giving legal endorsement to situations created by old treaties relating to colonial boundaries, which had been drawn with the strategic and economic interests of the former administering Powers in mind, since that would conflict with the universally accepted principle of self-determination and would be contrary to General Assembly resolutions 1514 (XV) and 1654 (XVI). In the case of such treaties, succession could not take place without the freely expressed consent of all the parties concerned. The new State was entitled to reclaim what it had previously held as a right, particularly if the revindication was based on its people's right to self-determination. It was also stated that the general rule should apply to so-called devolution treaties and that new States should not be able to evade the provisions of treaties which enunciated rules of *jus cogens*.



94. Lastly, the view was expressed that consideration should be given to some special situations, such as the problem of the implications of the legal nexus that was established in the case of an agreement entered into between two entities which were not fully sovereign and which subsequently at different times gained their sovereignty and did not repudiate the agreement.

(k) *Right of a new State to notify its succession in respect of multilateral treaties*

95. Some representatives expressed complete agreement with the provision proposed by the Special Rapporteur in his third report (article 7), which had been supported by most members of the Commission. Some of them considered that the right of a new State to notify its succession in respect of multilateral treaties was based on a positive rule of customary law. Others took the view that, if a rule of customary law did exist on the subject, that rule could not be based on the purely administrative practice of depositaries.

96. It was suggested that it might be desirable to set a time-limit within which the new State must notify its intention of considering itself a party to multilateral treaties that had applied to its territory prior to independence. The view was expressed that it was not advisable to make the time-limit too short, since a study of the relevant instruments was a long and delicate task for new States.

(l) *Settlement of disputes*

97. It was stated that the settlement of disputes arising from succession in respect of treaties should be entrusted to the International Court of Justice so as to ensure proper interpretation and application of the rules being codified.

D. STATE RESPONSIBILITY

98. A number of representatives expressed satisfaction at the fact that the Commission had continued to make progress in laying down the general lines to be followed in the progressive development and codification of the complex topic of State responsibility and in establishing a broad initial basis of agreement which would permit the task to be continued with the greatest possible prospects of success. The Special Rapporteur, Mr. Ago, was congratulated on his second report, entitled "The origin of international responsibility",<sup>55</sup> in which, after dealing with certain questions of method, he discussed the principle of the internationally wrongful act as a source of responsibility, the conditions for the existence of an internationally wrongful act, and the question of what was described as the "capacity" of States to commit internationally wrongful acts. The general conclusions reached by the Commission on the basis of the report were considered broadly acceptable.

99. Some representatives stressed that consideration of the question should proceed more rapidly than had thus far been the case. They believed that the reason why the codification of State responsibility was progressing so slowly was that not everyone was aware of the importance of the subject in the present international political context. The question was in point of fact extremely urgent, because it was linked to the maintenance of international peace and security. Those representatives considered that special attention should be paid to State responsibility for aggression, the use of armed force, colonial repression, racial discrimination and non-compliance with other obligations set forth in the United Nations Charter.

100. Other representatives supported the approach adopted by the Commission, under which the general rules defining the responsibility of States would be defined at the

<sup>55</sup> A/CN.4/233.

outset, since the violation of any international legal rule could in fact entail responsibility. That would also facilitate the eventual consideration of the special questions arising in connexion with responsibility for violations of specific rules of international law, such as those relating to the maintenance of international peace and security.

101. Certain representatives were pleased that the Special Rapporteur had taken as a premise the existence of an international legal order which imposed obligations on subjects of international law which were members of the international community. Whenever a State violated an international obligation, it committed a wrongful act for which it was accountable to the international community as it was juridically constituted. The wrongful nature of the act derived from the violation of the obligations set forth in the legal rule, and not from the violation of the rule, as was often stated. It was the non-fulfilment of the obligation—and sometimes the exercise of rights beyond the bounds of the rule—which made the act wrongful. Certain representatives felt that a purely theoretical study based on initial assumptions would be extremely dangerous, and criticized the tendency in the Commission's report to allow States not directly injured by a wrongful act to implicate other States on grounds of the international responsibility of the latter.

102. It was considered desirable that there should be an analysis of the subjective and objective elements which must be present for an internationally wrongful act to exist. It was further stated that the Commission should take up the question of "abuse of right" in due course.

103. Certain representatives felt that it would have been preferable to base the study of State responsibility on the "theory of risk", which rested on the objective notion of material or moral injury. In their view, that would have represented a step forward in the development of law from the economic and social point of view and would have avoided the complications arising from the preference given to responsibility for the wrongful act, in view of the difficulty involved in drawing up a comprehensive list of duties, the non-fulfilment of which determined the existence of a wrongful act.

104. Some representatives stressed that, in addition to responsibility for wrongful acts, it was necessary to study responsibility for lawful acts. Some agreed that the Commission could consider the latter question separately at a later stage in its work. Others felt that the two questions should be dealt with simultaneously. It was also observed that the two forms of responsibility could be dealt with in parallel but separate studies. Some representatives felt that responsibility for lawful acts should cover all types of activities giving rise to such responsibility, such as the pollution of the oceans, and should not be restricted only to some of them (outer space and nuclear activities). Other representatives said that it would be useful to consider a third category of acts—such as pollution of the atmosphere or the oceans with radioactive substances or deadly gases—which, because of their dangerous nature, fell half way between lawful and wrongful acts.

105. With regard to questions of method, a number of representatives stressed the need for a careful and flexible approach in seeking practical solutions which could meet with general approval, and favoured the essentially inductive method proposed by the Special Rapporteur. In that connexion, some representatives were pleased that the Special Rapporteur had been requested in the early stages of the work to preface each draft article with a full explanation of the reasons which had led him to propose a particular provision and an indication of the precedents offered by practice and jurisprudence, together with the various doctrinal views. Other representatives agreed with the Commission that the question of State responsibility was one where the progressive development of international law could play a particularly important part. It was noted in that regard that it might be appropriate to send a questionnaire to Governments in order to give the Commission assistance in applying the method of progressive development.

106. Certain representatives felt that the Spanish expression "*hecho ilícito*" should be replaced by "*acto ilícito*". The word "*hecho*" was extremely vague and imprecise. The expression "*acto ilícito*", on the other hand, referred to any behaviour which was objectively contrary to law and could apply both to acts of commission and acts of omission.

107. It was considered appropriate that the Commission had decided to consider, in a first phase, the origin of international responsibility and, in a subsequent phase, the content of that responsibility. However, some doubts were expressed as to the possibility of keeping the two phases entirely separate. It was also agreed that questions relating to the responsibility of subjects of international law other than States should be left to a later stage. Lastly, it was stated that there was need to codify the rules for the judicial settlement of disputes and for the implementation of compensation procedures for internationally wrongful acts.

## E. OTHER DECISIONS AND CONCLUSIONS OF THE COMMISSION

### 1. CELEBRATION OF THE TWENTY-FIFTH ANNIVERSARY OF THE UNITED NATIONS

108. Attention was drawn to the part played by the progressive development and codification of international law in the creation of favourable conditions for the attainment of the fundamental objectives of the United Nations and the outstanding contribution of the Commission, within its terms of reference, to the attainment of those objectives, particularly through the preparation of drafts which have served as the basis for the adoption of important codification conventions; on the occasion of the celebration of the twenty-fifth anniversary of the United Nations, deep gratitude was expressed to the Commission for that contribution.

### 2. THE MOST-FAVoured-NATION CLAUSE

109. Some representatives recalled that their countries were particularly interested in the study of the most-favoured-nation clause. The question of the most-favoured-nation clause was of special importance for the developing countries, and the codification of the legal norms relating to it would help to encourage international trade and economic co-operation and promote the development of international trade law. The Special Rapporteur, Mr. Ustor, was congratulated on his second report<sup>56</sup> and hope was expressed that the Commission would make progress in its consideration of the topic at its next sessions.

### 3. THE QUESTION OF TREATIES CONCLUDED BETWEEN STATES AND INTERNATIONAL ORGANIZATIONS OR BETWEEN TWO OR MORE INTERNATIONAL ORGANIZATIONS

110. Some representatives expressed approval of the arrangements made by the Commission with a view to considering the preliminary problems which the study of that new item entailed, in pursuance of General Assembly resolution 2501 (XXIV) of 12 November 1969. In particular, they approved of the decision to refer consideration of those preliminary problems to the Sub-committee formed for the purpose. Certain representatives drew attention to the increasing significance in international life of the role of treaties concluded between States and international organizations or between two or more international organizations, citing as an example the agreements between States and the International Atomic Energy Agency concerning the use of atomic energy for peaceful purposes. It was also observed that the importance of those types of agreements had

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<sup>56</sup> A/CN.4/228 and Add.1.

been enhanced by the entry into force of the Treaty on the Non-Proliferation of Nuclear Weapons (General Assembly resolution 2373 (XXII)). The hope was expressed that the Commission would receive maximum co-operation from all the principal international organizations and particularly from their legal departments to assist it in its consideration of the item.

#### 4. THE BRINGING UP TO DATE OF THE COMMISSION'S LONG-TERM PROGRAMME OF WORK

111. All the representatives who referred to this question expressed approval of the Commission's intention of bringing up to date in 1971 its long-term programme of work, taking into account the General Assembly recommendations and the international community's current needs, and discarding those topics on the 1949 list which are no longer suitable for treatment. Some representatives said that they hoped that the Commission would submit to the General Assembly at its twenty-sixth session a revised long-term programme of work. In that connexion, the opinion was expressed that it might also be useful to establish an order of priority for the examination of the various items included in the programme.

112. Pointing out that the world situation had changed considerably since the 1949 list had been drawn up, some representatives considered that the Commission should revise the programme with a view to the future by taking into account the needs of States and of the international community in the coming years and should concentrate on the topics of international law which could best contribute to the development of international relations in conformity with the United Nations Charter.

113. Lastly, it was suggested that it would be useful to study such questions as various aspects of humanitarian law, aerial piracy,<sup>57</sup> protection of members of diplomatic and consular missions (see para. 14 above), international watercourses<sup>58</sup> and historic bays.<sup>59</sup> It was also stated that consideration should be given to methods for the peaceful settlement of legal disputes with a view to ensuring that progress regarding the substance of the rules of international law was matched by progress in the procedural field. Because<sup>60</sup> codifying norms could be applied or interpreted differently, it was essential to develop appropriate means for settling disputes to which their application or interpretation might give rise.

#### 5. ORGANIZATION OF FUTURE WORK

114. Those representatives who spoke supported the view that the Commission should proceed at its next session to the second reading of the draft articles on representatives of States to international organizations, with the object of presenting to the General Assembly

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<sup>57</sup> At its twenty-fourth session, the General Assembly adopted resolution 2551 (XXIV) of 12 December 1969, entitled "Forcible diversion of civil aircraft in flight". At its current session the General Assembly allocated to the Sixth Committee the item entitled "Aerial hijacking or interference with civil air travel" (agenda item 99).

<sup>58</sup> In 1959, the General Assembly adopted resolution 1401 (XIV) on "Preliminary studies on the legal problems relating to the utilization and use of international rivers". At its current session the General Assembly allocated to the Sixth Committee the item entitled "Progressive development and codification of the rules of international law relating to international watercourses" (agenda item 91).

<sup>59</sup> In accordance with General Assembly resolution 1453 (XIV), the International Law Commission included in its programme of work the item entitled "General Assembly resolution 1453 (XIV) on the study of the juridical régime of historic waters, including historic bays".

<sup>60</sup> At its current session the General Assembly allocated to the Sixth Committee the item entitled "Review of the role of the International Court of Justice" (agenda item 96).

at its twenty-sixth session a final draft on the question of relations between States and international organizations, and to complete at that session the first reading of the draft articles on succession in respect of treaties. It was also agreed that the Commission should begin its discussion of the first series of draft articles on State responsibility and continue consideration of succession in respect of matters other than treaties and the most-favoured-nation clause and of preliminary problems relating to the question of treaties concluded between States and international organizations or between two or more international organizations. This view was reflected in paragraph 4 of the twenty-nine-Power draft resolution (A/C.6/L.795).

115. Various opinions were expressed with regard to the convening of a fourteen-week session for 1971, as mentioned in paragraphs 86 and 104 of the report of the Commission. Most representatives who took part in the discussion believed that the General Assembly should give the Commission the facilities which the latter deemed necessary for the completion of the above-outlined programme of work, in particular the second reading of the draft articles on relations between States and international organizations and the first reading of draft articles on succession of States in respect of treaties, before the end of the term of office of its present members. Those representatives therefore supported the fourth preambular paragraph and paragraph 3 of the draft resolution. Other representatives reiterated their countries' traditional backing for the Commission's work on the progressive development and codification of international law but could not support the proposal for an extended session in view of the additional burden it would place upon the heavy budget of the United Nations. They held that improved organization of the methods of work of the Commission would enable it successfully to complete the anticipated work programme within the normal ten-week session, particularly since the only task requiring immediate action was the conclusion of the draft articles on representatives of States to international organizations. Those representatives supported the third amendment of the USSR (A/C.6/L.797). Lastly, other representatives expressed reservations regarding the adoption of measures which, like the proposed extension of the normal session, were of questionable utility and entailed increased expenditure for the United Nations. Some representatives in the latter group ultimately accepted the view of the majority, while others refrained from taking a position on the matter.

6. PREPARATION OF A NEW EDITION OF THE PUBLICATION *The Work of the International Law Commission* AND OF THE DOCUMENT ENTITLED "SUMMARY OF THE PRACTICE OF THE SECRETARY-GENERAL AS DEPOSITARY OF MULTILATERAL AGREEMENTS"

116. Divergent views were expressed regarding the Commission's request to the Secretary-General to prepare a new edition of the publication entitled *The Work of the International Law Commission*,<sup>61</sup> with a view to incorporating therein a summary of the latest developments of the work of the Commission as well as the texts of new drafts prepared by it and codification conventions recently adopted. Some representatives considered that, although the publication was useful, it was not really necessary, and said that they could not support that proposal in view of the increased expenditure it entailed for the United Nations. Some representatives did not take a position on the matter. Others favoured the preparation of the new edition and supported paragraph 5 of the draft resolution.

117. There was unreserved support for the preparation of a new edition, brought up to date, of the document entitled "Summary of the practice of the Secretary-General

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<sup>61</sup> United Nations publication, Sales No.: 67.V.4.

as depositary of multilateral agreements”,<sup>62</sup> published in 1959, in view of the reasons indicated by the Commission in paragraph 91 of its report.

#### 7. RELATIONS WITH THE INTERNATIONAL COURT OF JUSTICE

118. A number of representatives welcomed the fact that the contacts established between the International Court of Justice and the Commission continued, thereby contributing to better mutual understanding of the concerns and activities of those bodies.

#### 8. CO-OPERATION WITH OTHER BODIES

119. Various representatives noted with satisfaction the continued maintenance and development of relations established several years earlier between the Commission and the Asian-African Legal Consultative Committee, the European Committee on Legal Co-operation and the Inter-American Juridical Committee. Stressing the importance of those regional juridical bodies' activities for the progressive development and codification of international law by the United Nations, some representatives felt that existing co-operation should be enhanced further in order to develop an even more effective exchange of information and experience between the Commission and those bodies.

120. A number of representatives noted that their countries had recently become full members of the Asian-African Legal Consultative Committee. Others pointed out that, since the Charter of the Organization of American States had been revised, the Inter-American Juridical Committee had become one of its principal organs. Lastly, other representatives said that the extensive programme of work of the European Committee on Legal Co-operation included various aspects of public international law of particular relevance to the current work of the Commission, and recalled that the European Committee had recently made a study of privileges and immunities of international organizations and persons connected with them, which had been communicated to the Commission.

#### 9. SEMINAR ON INTERNATIONAL LAW

121. Those representatives who referred to this item expressed their satisfaction with the success of the sixth session of the Seminar on International Law and expressed their gratitude to the members of the Commission, professors and members of the Secretariat who had participated in it and to the United Nations Office at Geneva for the way in which the new session of the Seminar had been organized, in particular for the fact that it had entailed no costs for the United Nations. It was also considered very appropriate that the 1970 Seminar had been designated the “Gilberto Amado Session” in a tribute to the memory of the recently deceased Brazilian jurist a former member of the Commission, who had been an illustrious international figure, and it was suggested that the possibility should be considered of naming a series of sessions after him or of establishing a permanent conference in his name within the Seminar.

122. Many representatives pointed out that the Seminar enabled students of international law and young officials responsible in their own countries for matters relating to international law to familiarize themselves with the Commission's work and to have valuable exchanges of views with its members, thus fostering a better appreciation and wider dissemination of international law. The special importance of the Seminar for participants of developing countries was stressed. A number of representatives thanked the States which had provided scholarships for participants from developing countries and expressed the hope that similar assistance would be offered for future sessions of the Seminar.

<sup>62</sup> ST/LEG/7.

123. The recommendation that future sessions of the Seminar should be held in conjunction with the Commission's forthcoming sessions met with general approval. Four representatives announced that their Governments had provided or planned to provide a scholarship for the 1971 session of the Seminar. A great number of representatives were in favour of the suggestion made during the debate to the effect that those organizing the Seminar should do everything possible within the framework of the present arrangement, to enable the young jurists who participated in the work of the Sixth Committee, especially those from the developing countries, to be given the opportunity to take part in the sessions of the Seminar, thereby helping to strengthen the close bond which existed between the Sixth Committee and the Commission; others said that participation in the Seminar should be as wide as possible in order to assist all those wishing to acquire a deeper knowledge of international law. Lastly, the Committee supported the suggestion contained in paragraph 109 of the report of the Commission that Spanish should be made a working language of the Seminar on a footing with French and English.

#### IV. VOTING

124. At its 1200th meeting, on 14 October 1970, after the representative of the Union of Soviet Socialist Republics indicated that he would not insist on a vote on all its amendments (A/C.6/L.797) but only on the third and seventh amendments, the Sixth Committee voted on those two amendments and later on the twenty-nine-Power draft resolution (A/C.6/L.795), as follows:

(a) By a roll-call vote of 60 to 12, with 24 abstentions, it rejected the third amendment of the USSR. The voting was as follows:

*In favour:* Bulgaria, Byelorussian Soviet Socialist Republic, Cuba, Czechoslovakia, France, Hungary, Mongolia, Poland, Romania, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Republic of Tanzania.

*Against:* Algeria, Argentina, Australia, Austria, Belgium, Bolivia, Brazil, Burundi, Cameroon, Canada, Central African Republic, Ceylon, Chile, China, Colombia, Congo (Democratic Republic of), Cyprus, Denmark, Ecuador, El Salvador, Finland, Ghana, Greece, Guatemala, Haiti, India, Israel, Italy, Ivory Coast, Jamaica, Japan, Kenya, Lesotho, Liberia, Madagascar, Malaysia, Mexico, Morocco, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Pakistan, Rwanda, Senegal, Sierra Leone, Singapore, Spain, Sweden, Thailand, Togo, Uganda, United States of America, Uruguay, Venezuela, Yugoslavia, Zambia.

*Abstaining:* Afghanistan, Burma, Cambodia, Gabon, Guyana, Indonesia, Iran, Kuwait, Laos, Libya, Mali, People's Republic of the Congo, Philippines, Portugal, Saudi Arabia, South Africa, Southern Yemen, Sudan, Syria, Trinidad and Tobago, Tunisia, Turkey, United Kingdom of Great Britain and Northern Ireland, Yemen.

(b) By a roll-call vote of 28 to 16, with 52 abstentions, it rejected the seventh amendment of the USSR. The voting was as follows:

*In favour:* Algeria, Australia, Belgium, Bulgaria, Byelorussian Soviet Socialist Republic, Cuba, Czechoslovakia, France, Hungary, Iran, Mongolia, Poland, Romania, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Republic of Tanzania.

*Against:* Argentina, Austria, Brazil, Canada, Central African Republic, Chile, China, Colombia, Denmark, Ecuador, Finland, Greece, Haiti, Israel, Kenya, Madagascar, Morocco, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Senegal, Sierra Leone, Sweden, Thailand, Yugoslavia.

*Abstaining:* Afghanistan, Bolivia, Burundi, Cambodia, Cameroon, Ceylon, Congo (Democratic Republic of), Cyprus, El Salvador, Gabon, Ghana, Guatemala, Guyana, India, Indonesia, Italy, Ivory Coast, Jamaica, Japan, Kuwait, Laos, Lesotho, Liberia, Libya, Malaysia, Mali, Mexico, Nepal, Pakistan, People's Republic of the Congo, Philippines, Portugal, Rwanda, Saudi Arabia, Singapore, South Africa, Southern Yemen, Spain, Sudan, Syria, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela, Yemen, Zambia.

(c) By a roll-call vote of 81 to 4, with 11 abstentions, it adopted the twenty-nine-Power draft resolution (A/C.6/L.795). The voting was as follows:

*In favour:* Afghanistan, Algeria, Argentina, Australia, Austria, Belgium, Bolivia, Brazil, Burma, Cambodia, Cameroon, Canada, Central African Republic, Ceylon, Chile, China, Colombia, Congo (Democratic Republic of), Cyprus, Denmark, Ecuador, El Salvador, Finland, Ghana, Greece, Guatemala, Guyana, Haiti, India, Indonesia, Iran, Israel, Italy, Ivory Coast, Jamaica, Japan, Kenya, Kuwait, Laos, Lesotho, Liberia, Libya, Madagascar, Malaysia, Mali, Mexico, Morocco, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Pakistan, People's Republic of the Congo, Philippines, Romania, Saudi Arabia, Senegal, Sierra Leone, Singapore, South Africa, Southern Yemen, Spain, Sudan, Sweden, Syria, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela, Yemen, Yugoslavia, Zambia.

*Against:* Byelorussian Soviet Socialist Republic, Mongolia, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics.

*Abstaining:* Bulgaria, Burundi, Cuba, Czechoslovakia, France, Gabon, Hungary, Poland, Portugal, Rwanda, United Republic of Tanzania.

125. At the same meeting, the representatives of Italy, France, Australia, Romania, the Ukrainian Soviet Socialist Republic, Hungary, Poland, Iran, Bulgaria, Gabon, Portugal, Mongolia, Czechoslovakia, Canada, the United Republic of Tanzania, and Algeria made statements in explanation of vote.

### *Recommendation of the Sixth Committee*

126. The Sixth Committee recommends to the General Assembly the adoption of the following draft resolution:

#### REPORT OF THE INTERNATIONAL LAW COMMISSION

[Text adopted by the General Assembly without change. See "Resolution adopted by the General Assembly" below.]

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### (b) Resolution adopted by the General Assembly

At its 1093rd plenary meeting, on 12 November 1970, the General Assembly adopted the draft resolution submitted by the Sixth Committee (para. 126 above). For the final text see resolution 2634 (XXV) below.



## 2634 (XXV). Report of the International Law Commission

*The General Assembly,*

*Having considered* the report of the International Law Commission on the work of its twenty-second session,<sup>63</sup>

*Emphasizing* the need for the further codification and progressive development of international law in order to make it a more effective means of implementing the purposes and principles set forth in Articles 1 and 2 of the Charter of the United Nations and to give increased importance to its role in relations among nations,

*Noting with satisfaction* that at its twenty-second session the International Law Commission completed its provisional draft articles on relations between States and international organizations, continued the consideration of matters concerning the codification and progressive development of the international law relating to succession of States in respect of treaties and State responsibility and included in its programme of work the question of treaties concluded between States and international organizations or between two or more international organizations, as recommended by the General Assembly in resolution 2501 (XXIV) of 12 November 1969,

*Noting further* that the International Law Commission has proposed to hold a fourteen-week session in 1971 in order to enable it to complete the second reading of the draft articles on relations between States and international organizations and the first reading of draft articles on succession of States in respect of treaties before the end of the term of office of its present members,

*Noting with appreciation* that the United Nations Office at Geneva organized, during the twenty-second session of the International Law Commission, a sixth session of the Seminar on International Law,

1. *Takes note* of the report of the International Law Commission on the work of its twenty-second session;

2. *Expresses its profound gratitude* to the International Law Commission, on the occasion of the celebration of the twenty-fifth anniversary of the United Nations, for its outstanding contribution to the achievements of the Organization during this period, particularly through the preparation of drafts which have served as the basis for the adoption of important codification conventions, and expresses its appreciation to the Commission for the valuable work it accomplished during its twenty-second session;

3. *Approves* the programme and organization of work of the session planned by the International Law Commission for 1971, as well as its intention to bring up to date its long-term programme of work;

4. *Recommends* that the International Law Commission should:

(a) Continue its work on relations between States and international organizations, taking into account the views expressed at the twenty-third, twenty-fourth and twenty-fifth sessions of the General Assembly and the comments which may be submitted by Governments, with the object of presenting in 1971 a final draft on the topic;

(b) Continue its work on succession of States, taking into account the views and considerations referred to in General Assembly resolutions 1765 (XVII) of 20 November 1962 and 1902 (XVIII) of 18 November 1963, with a view to completing in 1971 the first reading

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<sup>63</sup> *Official Records of the General Assembly, Twenty-fifth Session, Supplement No. 10 (A/8010/Rev.1).*

of draft articles on succession of States in respect of treaties and making progress in the consideration of succession of States in respect of matters other than treaties;

(c) Continue its work on State responsibility, taking into account the views and considerations referred to in General Assembly resolutions 1765 (XVII) of 20 November 1962, 1902 (XVIII) of 18 November 1963 and 2400 (XXIII) of 11 December 1968;

(d) Continue its study of the most-favoured-nation clause;

(e) Continue its consideration of the question of treaties concluded between States and international organizations or between two or more international organizations;

5. *Endorses* the decision of the International Law Commission to request the Secretary-General to prepare new editions, brought up to date, of the publication entitled *The Work of the International Law Commission*<sup>64</sup> and of the document entitled "Summary of the practice of the Secretary-General as depositary of multilateral agreements";<sup>65</sup>

6. *Expresses the wish* that, in conjunction with future sessions of the International Law Commission, other seminars might be organized, which should continue to ensure the participation of an increasing number of nationals of developing countries, and supports the suggestion contained in the Commission's report concerning the use of Spanish as a working language of the Seminar on International Law;<sup>66</sup>

7. *Requests* the Secretary-General to forward to the International Law Commission the records of the discussion on the report of the Commission at the twenty-fifth session of the General Assembly.

*1903rd plenary meeting,  
12 November 1970.*

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## 11. CONSIDERATION OF PRINCIPLES OF INTERNATIONAL LAW CONCERNING FRIENDLY RELATIONS AND CO-OPERATION AMONG STATES IN ACCORDANCE WITH THE CHARTER OF THE UNITED NATIONS: REPORT OF THE SPECIAL COMMITTEE ON PRINCIPLES OF INTERNATIONAL LAW CONCERNING FRIENDLY RELATIONS AND CO-OPERATION AMONG STATES (AGENDA ITEM 85)

Resolution [2625 (XXV)] adopted by the General Assembly

### **2625 (XXV). Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations**

*The General Assembly,*

*Recalling* its resolutions 1815 (XVII) of 18 December 1962, 1966 (XVIII) of 16 December 1963, 2103 (XX) of 20 December 1965, 2181 (XXI) of 12 December 1966, 2327 (XXII) of 18 December 1967, 2463 (XXIII) of 20 December 1968 and 2533 (XXIV) of 8 December 1969, in which it affirmed the importance of the progressive development and codification of the principles of international law concerning friendly relations and co-operation among States,

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<sup>64</sup> United Nations publication, Sales No.: 67.V.4.

<sup>65</sup> ST/LEG/7.

<sup>66</sup> *Official Records of the General Assembly, Twenty-fifth Session, Supplement No. 10 (A/8010/Rev.1)*, para. 109.

*Having considered* the report of the Special Committee on Principles of International Law concerning Friendly Relations and Co-operation among States,<sup>67</sup> which met in Geneva from 31 March to 1 May 1970,

*Emphasizing* the paramount importance of the Charter of the United Nations for the maintenance of international peace and security and for the development of friendly relations and co-operation among States,

*Deeply convinced* that the adoption 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 on the occasion of the twenty-fifth anniversary of the United Nations would contribute to the strengthening of world peace and constitute a landmark in the development of international law and of relations among States, in promoting the rule of law among nations and particularly the universal application of the principles embodied in the Charter,

*Considering* the desirability of the wide dissemination of the text of the Declaration,

1. *Approves* the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations, the text of which is annexed to the present resolution;

2. *Expresses its appreciation* to the Special Committee on Principles of International Law concerning Friendly Relations and Co-operation among States for its work resulting in the elaboration of the Declaration;

3. *Recommends* that all efforts be made so that the Declaration becomes generally known.

*1883rd plenary meeting,  
24 October 1970.*

#### ANNEX

#### DECLARATION ON PRINCIPLES OF INTERNATIONAL LAW CONCERNING FRIENDLY RELATIONS AND CO-OPERATION AMONG STATES IN ACCORDANCE WITH THE CHARTER OF THE UNITED NATIONS

##### PREAMBLE

*The General Assembly,*

*Reaffirming* in the terms of the Charter of the United Nations that the maintenance of international peace and security and the development of friendly relations and co-operation between nations are among the fundamental purposes of the United Nations,

*Recalling* that the peoples of the United Nations are determined to practise tolerance and live together in peace with one another as good neighbours,

*Bearing in mind* the importance of maintaining and strengthening international peace founded upon freedom, equality, justice and respect for fundamental human rights and of developing friendly relations among nations irrespective of their political, economic and social systems or the levels of their development,

*Bearing in mind also* the paramount importance of the Charter of the United Nations in the promotion of the rule of law among nations,

*Considering* that the faithful observance of the principles of international law concerning friendly relations and co-operation among States and the fulfilment in good faith of the obligations assumed by States, in accordance with the Charter, is of the greatest importance for the maintenance of international peace and security and for the implementation of the other purposes of the United Nations,

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<sup>67</sup> *Ibid.*, Supplement No. 18 (A/8018).

*Noting* that the great political, economic and social changes and scientific progress which have taken place in the world since the adoption of the Charter give increased importance to these principles and to the need for their more effective application in the conduct of States wherever carried on,

*Recalling* the established principle that outer space, including the Moon and other celestial bodies, is not subject to national appropriation by claim of sovereignty, by means of use or occupation, or by any other means, and mindful of the fact that consideration is being given in the United Nations to the question of establishing other appropriate provisions similarly inspired,

*Convinced* that the strict observance by States of the obligation not to intervene in the affairs of any other State is an essential condition to ensure that nations live together in peace with one another, since the practice of any form of intervention not only violates the spirit and letter of the Charter, but also leads to the creation of situations which threaten international peace and security,

*Recalling* the duty of States to refrain in their international relations from military, political, economic or any other form of coercion aimed against the political independence or territorial integrity of any State,

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

*Considering* it equally essential that all States shall settle their international disputes by peaceful means in accordance with the Charter,

*Reaffirming*, in accordance with the Charter, the basic importance of sovereign equality and stressing that the purposes of the United Nations can be implemented only if States enjoy sovereign equality and comply fully with the requirements of this principle in their international relations,

*Convinced* that the subjection of peoples to alien subjugation, domination and exploitation constitutes a major obstacle to the promotion of international peace and security,

*Convinced* that the principle of equal rights and self-determination of peoples constitutes a significant contribution to contemporary international law, and that its effective application is of paramount importance for the promotion of friendly relations among States, based on respect for the principle of sovereign equality,

*Convinced* in consequence that any attempt aimed at the partial or total disruption of the national unity and territorial integrity of a State or country or at its political independence is incompatible with the purposes and principles of the Charter,

*Considering* the provisions of the Charter as a whole and taking into account the role of relevant resolutions adopted by the competent organs of the United Nations relating to the content of the principles,

*Considering* that the progressive development and codification of the following principles:

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

(b) The principle that States shall settle their international disputes by peaceful means in such a manner that international peace and security and justice are not endangered,

(c) The duty not to intervene in matters within the domestic jurisdiction of any State, in accordance with the Charter,

(d) The duty of States to co-operate with one another in accordance with the Charter,

(e) The principle of equal rights and self-determination of peoples,

(f) The principle of sovereign equality of States,

(g) The principle that States shall fulfil in good faith the obligations assumed by them in accordance with the Charter, so as to secure their more effective application within the international community, would promote the realization of the purposes of the United Nations,

*Having considered* the principles of international law relating to friendly relations and co-operation among States,

1. *Solemnly proclaims* the following principles:

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

Every State has the duty to refrain in its international relations from the threat or use of force against the territorial integrity or political independence of any State, or in any other manner inconsistent with the purposes of the United Nations. Such a threat or use of force constitutes a violation of international law and the Charter of the United Nations and shall never be employed as a means of settling international issues.

A war of aggression constitutes a crime against the peace, for which there is responsibility under international law.

In accordance with the purposes and principles of the United Nations, States have the duty to refrain from propaganda for wars of aggression.

Every State has the duty to refrain from the threat or use of force to violate the existing international boundaries of another State or as a means of solving international disputes, including territorial disputes and problems concerning frontiers of States.

Every State likewise has the duty to refrain from the threat or use of force to violate international lines of demarcation, such as armistice lines, established by or pursuant to an international agreement to which it is a party or which it is otherwise bound to respect. Nothing in the foregoing shall be construed as prejudicing the positions of the parties concerned with regard to the status and effects of such lines under their special régimes or as affecting their temporary character.

States have a duty to refrain from acts of reprisal involving the use of force.

Every State has the duty to refrain from any forcible action which deprives peoples referred to in the elaboration of the principle of equal rights and self-determination of their right to self-determination and freedom and independence.

Every State has the duty to refrain from organizing or encouraging the organization of irregular forces or armed bands, including mercenaries, for incursion into the territory of another State.

Every State has the duty 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 its territory directed towards the commission of such acts, when the acts referred to in the present paragraph involve a threat or use of force.

The territory of a State shall not be the object of military occupation resulting from the use of force in contravention of the provisions of the Charter. The territory of a State shall not be the object of acquisition by another State resulting from the threat or use of force. No territorial acquisition resulting from the threat or use of force shall be recognized as legal. Nothing in the foregoing shall be construed as affecting:

(a) Provisions of the Charter or any international agreement prior to the Charter régime and valid under international law; or

(b) The powers of the Security Council under the Charter.

All States shall pursue in good faith negotiations for the early conclusion of a universal treaty on general and complete disarmament under effective international control and strive to adopt appropriate measures to reduce international tensions and strengthen confidence among States.

All States shall comply in good faith with their obligations under the generally recognized principles and rules of international law with respect to the maintenance of international peace and security, and shall endeavour to make the United Nations security system based on the Charter more effective.

Nothing in the foregoing paragraphs shall be construed as enlarging or diminishing in any way the scope of the provisions of the Charter concerning cases in which the use of force is lawful.

*The principle that States shall settle their international disputes by peaceful means in such a manner that international peace and security and justice are not endangered*

Every State shall settle its international disputes with other States by peaceful means in such a manner that international peace and security and justice are not endangered.

States shall accordingly seek early and just settlement of their international disputes by negotiation, inquiry, mediation, conciliation, arbitration, judicial settlement, resort to regional agencies or arrangements or other peaceful means of their choice. In seeking such a settlement the parties shall agree upon such peaceful means as may be appropriate to the circumstances and nature of the dispute.

The parties to a dispute have the duty, in the event of failure to reach a solution by any one of the above peaceful means, to continue to seek a settlement of the dispute by other peaceful means agreed upon by them.

States parties to an international dispute, as well as other States, shall refrain from any action which may aggravate the situation so as to endanger the maintenance of international peace and security, and shall act in accordance with the purposes and principles of the United Nations.

International disputes shall be settled on the basis of the sovereign equality of States and in accordance with the principle of free choice of means. Recourse to, or acceptance of, a settlement procedure freely agreed to by States with regard to existing or future disputes to which they are parties shall not be regarded as incompatible with sovereign equality.

Nothing in the foregoing paragraphs prejudices or derogates from the applicable provisions of the Charter, in particular those relating to the pacific settlement of international disputes.

*The principle concerning the duty not to intervene in matters within the domestic jurisdiction of any State, in accordance with the Charter*

No State or group of States has the right to intervene, directly or indirectly, for any reason whatever, in the internal or external affairs of any other State. Consequently, armed intervention and all other forms of interference or attempted threats against the personality of the State or against its political, economic and cultural elements, are in violation of international law.

No State may use or encourage the use of economic, political or any other type of measures to coerce another State in order to obtain from it the subordination of the exercise of its sovereign rights and to secure from it advantages of any kind. Also, no State shall organize, assist, foment, finance, incite or tolerate subversive, terrorist or armed activities directed towards the violent overthrow of the régime of another State, or interfere in civil strife in another State.

The use of force to deprive peoples of their national identity constitutes a violation of their inalienable rights and of the principle of non-intervention.

Every State has an inalienable right to choose its political, economic, social and cultural systems, without interference in any form by another State.

Nothing in the foregoing paragraphs shall be construed as affecting the relevant provisions of the Charter relating to the maintenance of international peace and security.

*The duty of States to co-operate with one another in accordance with the Charter*

States have the duty to co-operate with one another, irrespective of the differences in their political, economic and social systems, in the various spheres of international relations, in order to maintain international peace and security and to promote international economic stability and progress, the general welfare of nations and international co-operation free from discrimination based on such differences.

To this end:

(a) States shall co-operate with other States in the maintenance of international peace and security;

(b) States shall co-operate in the promotion of universal respect for, and observance of, human rights and fundamental freedoms for all, and in the elimination of all forms of racial discrimination and all forms of religious intolerance;

(c) States shall conduct their international relations in the economic, social, cultural, technical and trade fields in accordance with the principles of sovereign equality and non-intervention;

(d) States Members of the United Nations have the duty to take joint and separate action in co-operation with the United Nations in accordance with the relevant provisions of the Charter.

States should co-operate in the economic, social and cultural fields as well as in the field of science and technology and for the promotion of international cultural and educational progress. States should co-operate in the promotion of economic growth throughout the world, especially that of the developing countries.

*The principle of equal rights and self-determination of peoples*

By virtue of the principle of equal rights and self-determination of peoples enshrined in the Charter of the United Nations, all peoples have the right freely to determine, without external interference, their political status and to pursue their economic, social and cultural development, and every State has the duty to respect this right in accordance with the provisions of the Charter.

Every State has the duty to promote, through joint and separate action, realization of the principle of equal rights and self-determination of peoples, in accordance with the provisions of the Charter, and to render assistance to the United Nations in carrying out the responsibilities entrusted to it by the Charter regarding the implementation of the principle, in order:

(a) To promote friendly relations and co-operation among States; and

(b) To bring a speedy end to colonialism, having due regard to the freely expressed will of the peoples concerned;

and bearing in mind that subjection of peoples to alien subjugation, domination and exploitation constitutes a violation of the principle, as well as a denial of fundamental human rights, and is contrary to the Charter.

Every State has the duty to promote through joint and separate action universal respect for and observance of human rights and fundamental freedoms in accordance with the Charter.

The establishment of a sovereign and independent State, the free association or integration with an independent State or the emergence into any other political status freely determined by a people constitute modes of implementing the right of self-determination by that people.

Every State has the duty to refrain from any forcible action which deprives peoples referred to above in the elaboration of the present principle of their right to self-determination and freedom and independence. In their actions against, and resistance to, such forcible action in pursuit of the exercise of their right to self-determination, such peoples are entitled to seek and to receive support in accordance with the purposes and principles of the Charter.

The territory of a colony or other Non-Self-Governing Territory has, under the Charter a status separate and distinct from the territory of the State administering it; and such separate and distinct status under the Charter shall exist until the people of the colony or Non-Self-Governing Territory have exercised their right of self-determination in accordance with the Charter, and particularly its purposes and principles.

Nothing in the foregoing paragraphs shall be construed as authorizing or encouraging any action which would dismember or impair, totally or in part, the territorial integrity or political unity of sovereign and independent States conducting themselves in compliance with the principle of equal rights and self-determination of peoples as described above and thus possessed of a government representing the whole people belonging to the territory without distinction as to race, creed or colour.

Every State shall refrain from any action aimed at the partial or total disruption of the national unity and territorial integrity of any other State or country.

*The principle of sovereign equality of States*

All States enjoy sovereign equality. They have equal rights and duties and are equal members of the international community, notwithstanding differences of an economic, social, political or other nature.

In particular, sovereign equality includes the following elements:

- (a) States are juridically equal;
- (b) Each State enjoys the rights inherent in full sovereignty;
- (c) Each State has the duty to respect the personality of other States;
- (d) The territorial integrity and political independence of the State are inviolable;
- (e) Each State has the right freely to choose and develop its political, social, economic and cultural systems;
- (f) Each State has the duty to comply fully and in good faith with its international obligations and to live in peace with other States.

*The principle that States shall fulfil in good faith the obligations assumed by them in accordance with the Charter*

Every State has the duty to fulfil in good faith the obligations assumed by it in accordance with the Charter of the United Nations.

Every State has the duty to fulfil in good faith its obligations under the generally recognized principles and rules of international law.

Every State has the duty to fulfil in good faith its obligations under international agreements valid under the generally recognized principles and rules of international law.

Where obligations arising under international agreements are in conflict with the obligations of Members of the United Nations under the Charter of the United Nations, the obligations under the Charter shall prevail.

GENERAL PART

2. *Declares that:*

In their interpretation and application the above principles are interrelated and each principle should be construed in the context of the other principles.

Nothing in this Declaration shall be construed as prejudicing in any manner the provisions of the Charter or the rights and duties of Member States under the Charter or the rights of peoples under the Charter, taking into account the elaboration of these rights in this Declaration.

3. *Declares further that:*

The principles of the Charter which are embodied in this Declaration constitute basic principles of international law, and consequently appeals to all States to be guided by these principles in their international conduct and to develop their mutual relations on the basis of the strict observance of these principles.



12. REPORT OF THE UNITED NATIONS COMMISSION OF INTERNATIONAL TRADE LAW ON THE WORK OF ITS THIRD SESSION (AGENDA ITEM 86)

Resolution [2635 (XXV)] adopted by the General Assembly

**2635 (XXV). Report of the United Nations Commission on International Trade Law**

*The General Assembly,*

*Having considered* the report of the United Nations Commission on International Trade Law on the work of its third session,<sup>68</sup>

*Recalling* its resolution 2205 (XXI) of 17 December 1966 establishing the United Nations Commission on International Trade Law and defining the object and terms of reference of the Commission,

*Recalling* its resolution 2502 (XXIV) of 12 November 1969 with respect to the report of the United Nations Commission on International Trade Law on the work of its second session, in which the General Assembly recommended that the Commission should keep its programme of work under constant review, bearing in mind the important contribution that the progressive harmonization and unification of international trade law can make to economic co-operation among all peoples and, thereby, to their well-being,

*Noting* the forthcoming publication of the *Register of Texts*<sup>69</sup> and of the first volume of the *Yearbook of the United Nations Commission on International Trade Law*,<sup>70</sup>

*Noting* that the Trade and Development Board, at its tenth session, expressed its appreciation of the report of the United Nations Commission on International Trade Law,<sup>71</sup>

1. *Takes note with appreciation* of the report of the United Nations Commission on International Trade Law on its third session and of the progress made in its work;

2. *Notes with appreciation* that the desire, expressed in General Assembly resolution 2502 (XXIV), that there be the widest possible participation by the members of the United Nations Commission on International Trade Law in the preparatory work to be done by working groups has been fulfilled, and that this participation has substantially advanced the work of the Commission;

3. *Endorses* the desire expressed by the United Nations Commission on International Trade Law to obtain, where necessary, the services of consultants or organizations with special expertise in technical matters dealt with by the Commission, it being understood that recourse to such services is made only in special circumstances;

4. *Expresses the hope* that, in accordance with the desire set forth in the report of the United Nations Commission on International Trade Law, it will prove possible to staff the Commission's secretariat appropriately so as to cope with any increases in the work-load involved in servicing the Commission, provided that this does not entail supplemental appropriation;

5. *Recommends* that the United Nations Commission on International Trade Law should:

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<sup>68</sup> *Ibid.*, Supplement No. 17 (A/8017). Also reproduced in the *Yearbook of the United Nations Commission on International Trade Law, Vol. I* (United Nations publication, Sales No.: E.71.V.1), p. 129.

<sup>69</sup> United Nations publication, Sales No.: E.71.V.3.

<sup>70</sup> See foot-note 68 above.

<sup>71</sup> *Official Records of the General Assembly, Twenty-fifth Session, Supplement No. 15 (A/8015/Rev.1 and Rev.1/Corr.1)*, part two, para. 232.

(a) Continue its work on the topics to which it has decided to give priority, that is, the international sale of goods, international payments, international commercial arbitration and international legislation on shipping;

(b) Continue to give attention to ways and means of promoting training and assistance in the field of international trade law;

(c) Continue to collaborate fully with international organizations active in the field of international trade law;

(d) Continue to develop working methods which will enhance the efficiency of working groups and ensure full consideration of the commercial practices and needs of all regions;

(e) Continue to give special consideration, in promoting the harmonization and unification of international trade law, to the interests of developing and landlocked countries;

6. *Requests* the Secretary-General to forward to the United Nations Commission on International Trade Law the records of the discussions on the Commission's third report at the twenty-fifth session of the General Assembly.

1903rd plenary meeting,  
12 November 1970.

13. STATUS OF THE IMPLEMENTATION OF GENERAL ASSEMBLY RESOLUTION 2456 B (XXIII) CONCERNING THE SIGNATURE AND RATIFICATION OF ADDITIONAL PROTOCOL II OF THE TREATY FOR THE PROHIBITION OF NUCLEAR WEAPONS IN LATIN AMERICA (TREATY OF TLATELOLCO) (AGENDA ITEM 93)

Resolution [2666 (XXV)] adopted by the General Assembly

**2666 (XXV). Status of the implementation of General Assembly resolution 2456 B (XXIII) concerning the signature and ratification of Additional Protocol II of the Treaty for the Prohibition of Nuclear Weapons in Latin America (Treaty of Tlatelolco)**

*The General Assembly,*

*Recalling* its resolution 1911 (XVIII) of 27 November 1963, in which it expressed its confidence that the States that possess nuclear weapons would give their full co-operation for the effective realization of the initiative aimed at the military denuclearization of Latin America,

*Recalling also* its resolution 2286 (XXII) of 5 December 1967, in which it welcomed with special satisfaction the Treaty for the Prohibition of Nuclear Weapons in Latin America (Treaty of Tlatelolco)<sup>72</sup> and declared that the Treaty constituted an event of historic significance in the efforts to prevent the proliferation of nuclear weapons and to promote international peace and security,

*Bearing in mind* that the Treaty has an Additional Protocol II, which was opened for signature by States possessing nuclear weapons on 14 February 1967,

*Noting* that the Conference of Non-Nuclear-Weapon States, in its resolution B,<sup>73</sup> expressed the conviction that, for the maximum effectiveness of any treaty establishing a

<sup>72</sup> United Nations, *Treaty Series*, vol. 634, p. 281.

<sup>73</sup> *Official Records of the General Assembly, Twenty-third Session*, agenda item 96, document A/7277 and Corr.1 and 2, p. 5.

nuclear-weapon-free zone, the co-operation of the nuclear-weapon States is necessary and that such co-operation should take the form of commitments likewise undertaken in a formal international instrument which is legally binding, such as a treaty, convention or protocol,

*Considering* that accession to that Protocol only entails the following obligations for the nuclear-weapon States:

(a) To respect, in all its express aims and provisions, the statute of denuclearization of Latin America in respect of warlike purposes, as defined, delimited and set forth in the Treaty of Tlatelolco,

(b) Not to contribute in any way to the performance of acts involving a violation of the obligations of article 1 of the Treaty in the territories to which the Treaty applies,

(c) Not to use or threaten to use nuclear weapons against the contracting parties of the Treaty,

*Convinced* that these obligations are entirely in conformity with the general obligations assumed under the Charter of the United Nations, which every Member of the Organization has solemnly undertaken to fulfil in good faith, as set forth in Article 2 of the Charter,

*Noting* that, despite the appeals that the General Assembly has addressed to them on two occasions, in resolutions 2286 (XXII) of 5 December 1967 and 2456 B (XXIII) of 20 December 1968, and the appeals they have received from the Conference of Non-Nuclear-Weapon States, in resolution B, and from the General Conference of the Agency for the Prohibition of Nuclear Weapons in Latin America, in resolution 1 (I)<sup>74</sup> only two of the States that possess nuclear weapons have so far signed Additional Protocol II and only one has ratified it,

*Noting also* that the Treaty of Tlatelolco, which has been signed by twenty-two Latin American States, is already in force for sixteen of them,

*Bearing in mind* the repeatedly stated declarations of the nuclear-weapon States to the effect that nuclear-weapon-free zones established on the initiative of the States within the zone should be supported,

*Noting* that the Treaty of Tlatelolco is the only one it has been possible to conclude for the establishment of such a zone in a densely populated area and that, as a result of the Treaty, there already exists a statute of total absence of nuclear weapons covering an area of 6.6 million square kilometres with a population of approximately 117 million inhabitants,

*Noting also* that the Agency for the Prohibition of Nuclear Weapons in Latin America has been duly established in conformity with the Treaty and became operative on 2 September 1969,

1. *Reaffirms* the appeals it has addressed to the nuclear-weapon States, in its resolutions 2286 (XXII) and 2456 B (XXIII), to sign and ratify Additional Protocol II of the Treaty for the Prohibition of Nuclear Weapons in Latin America (Treaty of Tlatelolco) as soon as possible;

2. *Notes with satisfaction* that one of those States has already signed and ratified the Protocol and that another has signed it and is now actively engaged in the ratification process;

3. *Deplores* that not all nuclear-weapon States have as yet signed the Protocol;

4. *Decides* to include in the provisional agenda of its twenty-sixth session an item entitled "Status of the implementation of General Assembly resolution 2666 (XXV) concerning the signature and ratification of Additional Protocol II of the Treaty for the Prohibition of Nuclear Weapons in Latin America (Treaty of Tlatelolco)";

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<sup>74</sup> See A/7681, annex, chapter I.

5. *Requests* the Secretary-General to arrange for transmittal of the present resolution to the nuclear-weapon States and to inform the General Assembly at its twenty-sixth session of any measure adopted by them in order to implement it.

*1919th plenary meeting,  
7 December 1970.*

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## 14. AERIAL HIJACKING OR INTERFERENCE WITH CIVIL AIR TRAVEL (AGENDA ITEM 99)

Resolution [2645 (XXV)] adopted by the General Assembly

### **2645 (XXV). Aerial hijacking or interference with civil air travel**

*The General Assembly,*

*Recognizing* that international civil aviation is a vital link in the promotion and preservation of friendly relations among States and that its safe and orderly functioning is in the interest of all peoples,

*Gravely concerned* over acts of aerial hijacking or other wrongful interference with civil air travel,

*Recognizing* that such acts jeopardize the lives and safety of the passengers and crew and constitute a violation of their human rights,

*Aware* that international civil aviation can only function properly in conditions guaranteeing the safety of its operations and the due exercise of the freedom of air travel,

*Endorsing* the solemn declaration <sup>75</sup> of the extraordinary session of the Assembly of the International Civil Aviation Organization held at Montreal from 16 to 30 June 1970,

*Bearing in mind* General Assembly resolution 2551 (XXIV) of 12 December 1969 and Security Council resolution 286 (1970) of 9 September 1970 adopted by consensus at the 1552nd meeting of the Council,

1. *Condemns*, without exception whatsoever, all acts of aerial hijacking or other interference with civil air travel, whether originally national or international, through the threat or use of force, and all acts of violence which may be directed against passengers, crew and aircraft engaged in, and air navigation facilities and aeronautical communications used by civil air transport;

2. *Calls upon* States to take all appropriate measures to deter, prevent or suppress such acts within their jurisdiction, at every stage of the execution of those acts, and to provide for the prosecution and punishment of persons who perpetrate such acts, in a manner commensurate with the gravity of those crimes, or, without prejudice to the rights and obligations of States under existing international instruments relating to the matter, for the extradition of such persons for the purpose of their prosecution and punishment;

3. *Declares* that the exploitation of unlawful seizure of aircraft for the purpose of taking hostages is to be condemned;

4. *Declares further* that the unlawful detention of passengers and crew in transit or otherwise engaged in civil air travel is to be condemned as another form of wrongful interference with free and uninterrupted air travel;

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<sup>75</sup> International Civil Aviation Organization, *Resolutions adopted by the Assembly, Seventeenth Session (Extraordinary)* (Montreal, 1970), resolution A17-1.

5. *Urges* States to the territory of which a hijacked aircraft is diverted to provide for the care and safety of its passengers and crew and to enable them to continue their journey as soon as practicable, and to return the aircraft and its cargo to the persons lawfully entitled to possession;

6. *Invites* States to ratify or accede to the Convention on Offences and Certain Other Acts Committed on Board Aircraft, signed at Tokyo on 14 September 1963,<sup>76</sup> in conformity with the Convention;

7. *Requests* concerted action on the part of States, in accordance with the Charter of the United Nations, towards suppressing all acts which jeopardize the safe and orderly development of international civil air transport;

8. *Calls upon* States to take joint and separate action, in accordance with the Charter, in co-operation with the United Nations and the International Civil Aviation Organization to ensure that passengers, crew and aircraft engaged in civil aviation are not used as a means of extorting advantage of any kind;

9. *Urges* full support for the current efforts of the International Civil Aviation Organization towards the development and co-ordination, in accordance with its competence, of effective measures in respect of interference with civil air travel;

10. *Calls upon* States to make every possible effort to achieve a successful result at the diplomatic conference to convene at The Hague in December 1970 for the purpose of the adoption of a convention on the unlawful seizure of aircraft, so that an effective convention may be brought into force at an early date.

*1914th plenary meeting,  
25 November 1970.*

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## **B. Decisions, recommendations and reports of a legal character by intergovernmental organizations related to the United Nations**

### **1. UNITED NATIONS EDUCATIONAL, SCIENTIFIC AND CULTURAL ORGANIZATION**

UNESCO's contribution to peace and its tasks with respect to the elimination of colonialism, and utilization of UNESCO's programme as a means of strengthening co-operation between European States in the interest of peace and security in Europe—Resolution adopted by the General Conference on 7 November 1970 during its sixteenth session<sup>77</sup>

#### *The General Conference,*

*Recalling* the provisions of UNESCO's Constitution defining the Organization's responsibilities in the matter of strengthening international peace and security,

*Convinced* that it is one of the Organization's essential practical tasks to give active assistance to the cause of strengthening peace and international security by reflecting, in its programme and activities, the ideals of peace and friendship among peoples,

*Recalling* the need to continue implementing and with increased effectiveness resolution 8.1 "peaceful and neighbourly relations", resolution 6.2 on "UNESCO's tasks in contri-

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<sup>76</sup> United Nations, *Treaty Series*, vol. 704.

<sup>77</sup> 16 C/Resolution 8.

buting to peace, peaceful co-operation and living peacefully together, among States with different economic and social systems”,<sup>78</sup> resolution 9 on “UNESCO’s contribution to peace and UNESCO’s tasks with respect to the elimination of colonialism and racialism”,<sup>79</sup> adopted by the General Conference at its eleventh (1960), thirteenth (1964) and fifteenth (1968) sessions respectively,

*Recalling* the tenth anniversary of the adoption by the General Assembly of the United Nations of the *Declaration on the Granting of Independence to Colonial Countries and Peoples* (1960)<sup>80</sup> as well as the historic importance of the principles proclaimed therein,

*Stressing* furthermore the importance of the *Declaration on Principles of International Law concerning Friendly Relations among States, in Accordance with the Charter of the United Nations*, solemnly adopted by the General Assembly at its jubilee session on the occasion of the twenty-fifth anniversary of the United Nations (1970),<sup>81</sup>

*Reaffirming* its faith in the principle that “the wide diffusion of culture and the education of humanity for justice and liberty and peace are indispensable to the dignity of man and constitute a sacred duty which all nations must fulfil in a spirit of mutual assistance and concern”.

*Considering* that UNESCO should take all appropriate initiatives, within its fields of responsibility, designed to create and consolidate the intellectual conditions which provide a proper climate for international understanding and peace,

*Believing* that UNESCO and its Member States should take effective measures for wider recognition, appreciation and strengthening of the principles of the *Universal Declaration of Human Rights*, particularly the right to “freedom of thought, conscience and religion”, the right to “freedom of opinion and expression”, and the right “freely to participate in the cultural life of the community” (Articles 18, 19 and 27),

*Welcoming* the recommendations of the Intergovernmental Conference on Cultural Policies convened by UNESCO in Venice (1970) with respect to the role of cultural and information bodies in strengthening international peace and security and, in particular, the recommendation to Member States to study “the possibility of calling an international conference of persons engaged in science, culture and education, devoted to the problems of peace and humanism”.

*Deeming it essential* to meet the will expressed by the peoples in all countries to strengthen peace and security on all continents and *noting* more particularly the crucial role of peace and security in Europe,

*Noting* that military occupation by foreign forces constitutes a constant danger to peace and human rights, including the uncontested rights to national education and cultural life,

*Observing* that the United Nations General Assembly has designated the year 1971 as the International Year to Combat Racial Discrimination,

*Recalling* General Assembly resolutions 2555 (XXIV) of 23 December 1969, and 2621 (XXV) of 12 October 1970, with particular reference to the appeal made therein to all international agencies to give assistance to peoples struggling against colonialism and racialism,

*Noting* that *apartheid* is an affront to mankind and that it should not be countenanced or supported in any form by UNESCO,

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<sup>78</sup> See *Juridical Yearbook*, 1968, p. 142.

<sup>79</sup> *Ibid.*, pp. 140 and 144 to 146.

<sup>80</sup> General Assembly resolution 1514 (XV), of 14 December 1960.

<sup>81</sup> General Assembly resolution 2625 (XXV), reproduced in this *Yearbook*, p. 104.

*Noting* that international non-governmental organizations which are associated with UNESCO may play an important part in implementing the objectives of the Organization, including its policy of unremitting opposition to, and elimination of, colonialism and racialism, and that some of these organizations have branches or affiliates in which colonialism and racialism are practised,

*Noting* with concern the continuing pernicious influence of colonialism, neo-colonialism, racialism and fascism and other anti-humanistic concepts on the intellectual life of the peoples of a number of countries, and *according* paramount importance to the struggle against the infiltration of neo-colonialism and racialism into education and culture,

*Recalling anew* that the policy of colonialism, neo-colonialism and racialism constitutes a constant danger to the peace and security of nations,

*Having examined* with interest the report and proposals submitted by the Director-General for a long-term plan of integrated action for the advancement of peace and international co-operation in the field of UNESCO's competence (doc. 16C, 12) and *taking note* of the debate on items 9 and 10,

*Considering*, however, that UNESCO and its Member States should further increase their efforts in favour of human rights, peace and international security and the development of mutual understanding and co-operation in the realms of education, science, technology, culture and information,

## I

1. *Reaffirms* resolution 9, adopted at its fifteenth session, on "UNESCO's contribution to peace and UNESCO's tasks with respect to the elimination of colonialism and racialism";

2. *Reaffirms* resolution 9.13, adopted at its fifteenth session, which "invites all Member States to ensure the strictest respect for the resolutions adopted at the Teheran Conference on Human Rights, and particularly resolution I concerning respect for, and implementation of, human rights in occupied territories";<sup>82</sup>

3. *Calls* on Member States actively to oppose colonialism, neo-colonialism, racialism and fascism and all forms of oppression and tyranny;

4. *Reaffirms* its decision not to accord any help to the governments of Portugal and the Republic of South Africa or to the illegal régime in Southern Rhodesia in the realms of education, science and culture and, in particular, not to invite them to participate in conferences and other UNESCO activities until such time as the authorities of those countries desist from their policy of colonial oppression and racial discrimination;

5. Once again *draws the attention* of the Executive Board and of the Director-General to the need to strengthen UNESCO's action within the limits of its competence, as regards the assistance to be given to (a) refugees from colonial territories, and (b) other peoples striving to liberate themselves from colonial domination and all forms of *apartheid*;

6. To this end *invites* the Director-General to send a mission to the Organization of African Unity and, after examination of its report by the Executive Board, evolve concrete programmes for assistance to (a) refugees from colonial territories, and (b) other peoples striving to liberate themselves from colonial domination and all forms of *apartheid*;

7. *Requests* the Director-General to examine the situation in the Portuguese African territories and in Namibia with regard to education, information, the social sciences, the human sciences and culture;

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<sup>82</sup> See *Final Act of the International Conference on Human Rights* (A/CONF.32/41, Sales No.: E.68.XIV.2).

8. *Requests* the Director-General to intensify his efforts to counteract the propaganda of the Government of the Republic of South Africa by furnishing the Organization of African Unity and those countries desirous of receiving it with information obtained under the projects outlined above, in a form that can be adapted for use by the communication media of such countries in their efforts to counteract the said propaganda;

9. *Requests* the Director-General to undertake investigations of all international non-governmental organizations enjoying relations with UNESCO which have branches, sections, affiliates or constituent parts in the Republic of South Africa or Southern Rhodesia or Portuguese-dominated African territories, with respect to the practice of racial discrimination or racial segregation in their policies, activities, or membership or their co-operation in any way with the *apartheid* policy of the Government of the Republic of South Africa; and to report thereon to the Executive Board;

10. *Calls upon* the Executive Board to take the necessary measures, in the light of the Director-General's report, to break off, as from 31 December 1971, all relations with those international non-governmental organizations in respect of which it has not been established, to the satisfaction of the Board, that their branches, sections, affiliates or constituent parts in the Republic of South Africa, Southern Rhodesia or Portuguese-dominated African territories neither practise racial discrimination or segregation in their policies, their activities or in their membership, nor co-operate in any way with the Government of the Republic of South Africa in the latter's *apartheid* policy;

11. *Invites* the Director-General to report on the implementation of this resolution to the General Conference at its seventeenth session;

## II

12. *Approves* the proposals by the Director-General concerning a long-term plan of action for the advancement of peace (doc. 16C/12) and *authorizes* him to implement it, taking due account of the deliberation on items 9 and 10 during the session;

13. *Invites* the Director-General:

(a) to implement this resolution and strengthen UNESCO's action for peace, particularly as regards:

- (i) interdisciplinary studies and research on: peace and racialism, and, in particular, their sociological and economic aspects; socio-economic, psychological and ethical factors in the behaviour of individuals and communities and in the relations among nations; effects of social change in the world on peaceful relations between nations and individuals; conditions under which international contacts and exchanges produce the maximum beneficial effect; sociology of international co-operation; interaction between peace and development; role of the United Nations system in the development of peaceful co-operation between nations and the development of the human personality; social prerequisites for strengthening international peace and co-operation among different countries and peoples;
- (ii) training of teachers in the spirit of respect for human rights, peace and international co-operation;
- (iii) education of youth for international understanding and effective participation in the achievement of the objectives of peace of the Organization;
- (iv) studies on information media, in order to: (a) determine and examine the obstacles which in the minds of men oppose intellectual co-operation between nations; (b) examine the contribution that information makes to development of education, science and culture and thus to the strengthening of the bases for peace; (c) exam-



ine the way in which the technical revolution in information media could contribute to strengthening peace by facilitating greater dissemination of information;

(v) the use of information media in favour of peace (improvement of the content of information and its impact on international life);

(vi) the promotion of the fundamental principles of international law and their application to international co-operation in UNESCO's fields of competence;

(vii) the normative action of the Organization and its application in favour of peace;

(b) to enlist, where appropriate, for the implementation of this plan of action and of the present resolution, the effective help of Member States and of their National Commissions;

(c) to call on international non-governmental organizations which co-operate with UNESCO for the more effective implementation of the ideals of the Organization in the fields of human rights, peace and international security;

### III

14. *Invites* further the Director-General:

(a) in the course of the implementation of the Organization's programme for 1971-72 and in the preparation of future programmes, to take into account the need for more effective fulfilment of the present resolution and the carrying out, in accordance with the principles of the United Nations Charter and within UNESCO's fields of competence, of measures to strengthen international peace and security, including measures to create a favourable climate for the calling of a Pan-European security conference;

(b) in pursuance of resolution 9, adopted at the fifteenth session, on peace and UNESCO's tasks, and in line with his statements to the Executive Board at its 83rd session, to study with the international non-governmental organizations playing a part in international collaboration between local communities all possible forms of co-operation for the intimate association of inter-community activities with the execution of UNESCO's programme;

(c) to include in his annual report a section on steps taken in consequence of the present resolution.

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## 2. INTERNATIONAL TELECOMMUNICATION UNION

Resolution No. 676 adopted at its twenty-fifth session by the Administrative Council<sup>83</sup>

### *Position of Southern Rhodesia vis-a-vis the ITU*

*The Administrative Council,*

*Having examined*

Document No. 4005/CA 25 containing communications from the Secretary General of the United Nations and particularly with respect to the Security Council Resolution No. 277 (1970), operative paragraph 12, which calls upon Member States to take appropriate action to suspend any membership or associate membership that the illegal régime of Southern Rhodesia has in specialized agencies of the United Nations;

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<sup>83</sup> Ref.: Docs. 4005; 4078, 4091, 4096, 4107, 4115 and 4121/CA 25—May/June 1970.

*Recalling and reaffirming*

Resolution No. 599 adopted by the Administrative Council in 1966;<sup>84</sup>

*Considers*

That Resolution No. 599 bars the illegal régime of Southern Rhodesia from assuming membership of the ITU;

*Requests the Secretary General*

1. To continue the strict enforcement of Resolution No. 599 and in addition not to have any communication with the illegal régime of Southern Rhodesia;

2. To place all funds contributing to the regular budget which have been received as from the date of Resolution No. 599 or which may be received in the future, in the name of Rhodesia, in a special account to be established by the Union; such contributions are to be held in abeyance until the Administrative Council, taking into account the decisions taken by the United Nations, shall find that the conditions for active membership have been restored;

3. To bring this Resolution to the attention of all of the Members of the Union;

4. To inform the Secretary General of the United Nations of the action taken by the ITU under Resolution 599 adopted in 1966, and the action proposed in this Resolution.

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<sup>84</sup> See *Juridical Yearbook*, 1966, p. 164.