

*Extract from:*

# UNITED NATIONS JURIDICAL YEARBOOK

1972

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

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



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## Chapter III

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

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

##### 1. DISARMAMENT AND RELATED MATTERS <sup>1</sup>

During its two series of meetings in 1972, the Conference of the Committee on Disarmament gave priority to the question of the prohibition of the development, production and stockpiling of chemical weapons and to the question of cessation of nuclear weapon tests. General and complete disarmament, as well as specific measures to halt the nuclear arms race were also considered.

At its twenty-seventh session, the General Assembly considered the following items relating to disarmament:

##### (1) WORLD DISARMAMENT CONFERENCE

The Assembly [resolution 2930 (XXVII)] *inter alia* invited the Governments of all States to exert further efforts with a view to creating adequate conditions for the convening of a world disarmament conference at an appropriate time and decided to establish a Special Committee of 35 Member States which it requested to examine all the views and suggestions expressed by Governments on the convening of a world disarmament conference and related problems.

##### (2) GENERAL AND COMPLETE DISARMAMENT

The Assembly [resolution 2932A (XXVII)] welcomed the report of the Secretary-General on napalm and other incendiary weapons; <sup>2</sup> it deplored the use of napalm and other incendiary weapons in all armed conflicts.

Furthermore, the Assembly [resolution 2932B (XXVII)] noted with satisfaction the Strategic Arms Limitation Agreements signed by the Soviet Union and the United States on 26 May 1972 and appealed to the Governments of both countries to make every effort to expedite the conclusion of further agreements including important qualitative limitations and substantial reductions of offensive and defensive strategic nuclear weapon systems.

##### (3) CHEMICAL AND BACTERIOLOGICAL (BIOLOGICAL) WEAPONS

The Assembly [resolution 2933 (XXVII)] again requested the Conference of the Committee on Disarmament to continue negotiations, as a matter of high priority, with a view

<sup>1</sup> For detailed information see *Official Records of the Disarmament Commission, Supplement for 1972* and *Official Records of the General Assembly, Twenty-seventh Session, Annexes*, agenda items 26, 27, 30, 32, 32 and 34.

<sup>2</sup> A/8803/Rev. 1 (United Nations publication, Sales No. E.73.1.3).

to reaching early agreement on effective measures for the prohibition of the development, production and stockpiling of chemical weapons and for their destruction. The Assembly also reaffirmed its hope for the widest possible adherence to the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction.<sup>3</sup> It further invited all States that had not yet done to accede to the Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous and Other Gases, and of Bacteriological Methods of Warfare of 17 June 1925<sup>4</sup> or to ratify it, and called anew for the strict observance by all States of the principles and objectives contained therein.

#### (4) URGENT NEED FOR SUSPENSION OF NUCLEAR AND THERMONUCLEAR TESTS

The Assembly [resolution 2934A (XXVII)] stressed anew the urgency of bringing to a halt all atmospheric testing of nuclear weapons in the Pacific or anywhere else in the world; called upon all nuclear-weapon States to suspend nuclear weapon tests in all environments; and called upon the Conference of the Committee on Disarmament to give urgent consideration to the question of a treaty banning all nuclear weapon tests.

Furthermore the Assembly [resolution 2934B (XXVII)] urged all States to adhere to the Treaty Banning Nuclear Weapon Tests in the Atmosphere, in Outer Space and under Water;<sup>5</sup> called upon all Governments concerned to undertake immediately unilateral or negotiated measures to suspend or reduce underground testing; requested the Conference of the Committee on Disarmament to give first priority to a comprehensive treaty banning such tests; urged further development of capabilities for verification of underground tests; and called upon Governments urgently to seek a halt to all testing.

Finally, the Assembly [resolution 2934C (XXVII)] reaffirmed its conviction that there was no valid reason for delaying the conclusion of a comprehensive nuclear test ban and urged nuclear-weapon States to halt all tests at the earliest possible date, and in any case not later than 5 August 1973 either through a permanent agreement or through unilateral or agreed moratoria.

#### (5) IMPLEMENTATION OF GENERAL ASSEMBLY RESOLUTION 2830 (XXVI)<sup>6</sup> CONCERNING THE SIGNATURE AND RATIFICATION OF ADDITIONAL PROTOCOL II OF THE TREATY FOR THE PROHIBITION OF NUCLEAR WEAPONS IN LATIN AMERICA (TREATY OF TLATELOLCO)<sup>7</sup>

The Assembly [resolution 2935 (XXVII)] reaffirmed its conviction that the cooperation of the nuclear-weapon States was necessary for the effectiveness of any treaty establishing a nuclear-weapon-free zone; welcomed the declaration made by the Government of the People's Republic of China on 14 November 1972<sup>8</sup> and invited China to accede to the Protocol as soon as possible; and urged two nuclear-weapon States which had not yet acceded to the Protocol to sign and ratify it without further delay.

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<sup>3</sup> Reproduced in the *Juridical Yearbook*, 1971, p. 118.

<sup>4</sup> League of Nations, *Treaty Series*, vol. XCIV, p. 65.

<sup>5</sup> Reproduced in the *Juridical Yearbook*, 1963, p. 107.

<sup>6</sup> Reproduced in the *Juridical Yearbook*, 1971, p. 47.

<sup>7</sup> Reproduced in the *Juridical Yearbook*, 1967, p. 272.

<sup>8</sup> See document A/C.1/1028.

## 2. OTHER POLITICAL AND SECURITY QUESTIONS

### (1) STRENGTHENING OF INTERNATIONAL SECURITY <sup>9</sup>

The Secretary-General submitted a report <sup>10</sup> on the implementation of the Declaration on the Strengthening of International Security: <sup>11</sup> he stated in particular that if the United Nations was expected to play a crucial and meaningful role in the complex relationship among States, greater efforts must be exerted to make it more relevant to the manifold social, economic, political and security problems of our times. In order to make the Organization more effective, the obligation assumed by Member States, under Article 25 of the Charter, to comply with the decisions of the Security Council should be scrupulously respected by all. Furthermore it was essential that Member States try to resolve all outstanding conflicts by peaceful means in accordance with the procedures for peaceful settlement provided for in the Charter.

The Assembly [resolution 2993 (XXVII)] *inter alia* urged all States to take measures to eliminate armed conflicts, colonialism, racism and other situations which prevented peoples from exercising their right to self-determination and independence, in accordance with the Charter and reaffirmed that pressure against any State while exercising its sovereign right freely to dispose of its natural resources was a flagrant violation of the principles of self-determination and non-intervention, as set forth in the Charter.

### (2) NON-USE OF FORCE IN INTERNATIONAL RELATIONS AND PERMANENT PROHIBITION OF THE USE OF NUCLEAR WEAPONS <sup>12</sup>

This item was included in the agenda of the twenty-seventh session of the General Assembly at the request of the Union of Soviet Socialist Republics <sup>13</sup> which stressed *inter alia* that the adoption by the Assembly of a resolution on the question would constitute a significant contribution to the strengthening of international security and to the prevention of armed conflicts. The USSR added that the obligation to refrain from the use of force was fully in keeping with the Charter and it did not imply the renunciation by States of their inherent right of individual and collective self-defence under Article 51, nor did it infringe the right of people to carry on the struggle for their freedom and independence.

The Assembly [resolution 2936 (XXVII)] solemnly declared on behalf of the States Members of the Organization, their renunciation of the use or threat of force in all its forms and manifestations in international relations, in accordance with the Charter, and the permanent prohibition of the use of nuclear weapons.

### (3) QUESTION OF THE HIJACKING OF AIRCRAFT

In a document issued on 20 June 1972, <sup>14</sup> the President of the Security Council announced the decision which the Council had adopted on hijacking by consensus on that date, further to a telegram which the Secretary-General had received from the International

<sup>9</sup> For detailed information, see *Official Records of the General Assembly, Twenty-seventh Session, Annexes*, agenda item 35.

<sup>10</sup> A/8775 and Add.1-4.

<sup>11</sup> General Assembly resolution 2734 (XXV), reproduced in the *Juridical Yearbook*, 1970, p. 62.

<sup>12</sup> For detailed information, see *Official Records of the General Assembly, Twenty-seventh Session, Annexes*, agenda item 25.

<sup>13</sup> See document A/8793.

<sup>14</sup> Document S/10705.

Federation of Airline Pilots Association and which he had transmitted to the members of the Council for their information. In that decision, members of the Council expressed concern at the threat to the lives of passengers and crews arising from the hijacking of aircraft and other unlawful interference with international civil aviation. The Council also called upon States to take all appropriate measures to prevent such acts and to take effective measures to deal with those who committed such acts.

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### 3. ECONOMIC, SOCIAL AND HUMANITARIAN ACTIVITIES

#### (1) HUMAN RIGHTS <sup>15</sup>

##### (a) *International instruments*

###### (i) *International Convention on the Elimination of All Forms of Racial Discrimination* <sup>16</sup>

The General Assembly had before it at its twenty-seventh session the third report of the Committee on the Elimination of Racial Discrimination established under article 8 of the Convention to receive and consider communications from individuals or groups of individuals within the jurisdiction of States parties claiming to be victims of a violation by the States concerned of any of the rights set forth in the Convention. Under article 14 of the Convention, the Committee is competent to exercise this function only when at least ten States parties are bound by declarations made to that effect. By the end of 1972, three States parties had made such declarations. The Assembly [resolution 2921 (XXVII)] urgently requested all States which were not yet parties to the International Convention to ratify or accede to it, if possibly by 10 December 1973, the twenty-fifth anniversary of the Universal Declaration of Human Rights.

###### (ii) *International Covenant on Economic, Social and Cultural Rights, International Covenant on Civil and Political Rights and Optional Protocol thereto* <sup>17</sup>

The General Assembly [resolution 3025 (XXVII)] expressed the hope that Member States would find it possible to take appropriate action with a view to accelerating the steps that would enable them to deposit their instruments of ratification or accession if possibly by 10 December 1973.

##### (b) *Slavery*

At its fifty-second session, the Economic and Social Council adopted, on the basis of a draft resolution submitted by the Sub-Committee on Prevention of Discrimination and Protection of Minorities, a resolution [1965 (LII)] in which it called upon all eligible States which were not yet parties to become parties as soon as possible to the international Slavery Convention of 1926 <sup>18</sup> and the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery of 1956 <sup>19</sup> as

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<sup>15</sup> For detailed information, see *Official Records of the Economic and Social Council, Fifty-second Session, Supplement No. 7* (E/5113).

<sup>16</sup> Reproduced in the *Juridical Yearbook*, 1965, p. 63. The Convention came into force on 4 January 1969.

<sup>17</sup> Reproduced in the *Juridical Yearbook*, 1966, p. 170. Those instruments have not yet come into force.

<sup>18</sup> League of Nations, *Treaty Series*, vol. LX, p. 253.

<sup>19</sup> United Nations, *Treaty Series*, vol. 266, p. 3.

well as a number of ILO Conventions dealing with matters closely related to the abolition of slavery, the slave trade and institutions and practices similar to slavery. It drew attention to the close relationship between the effects of slavery, *apartheid* and colonialism and to the need to take concrete measures to ensure the effective implementation of the relevant international conventions and decisions of the United Nations with a view to bringing about the complete elimination of these shameful phenomena. It called upon all States to enact any necessary legislation and to provide effective penal sanctions for persons committing, or ordering to be committed, any of the following acts: (a) abduction, or planning the abduction, or filing instructions for the abduction of any person by force, treachery, gifts, abuse of authority or power, or intimidation, which results in that person being placed in a status of slavery or servitude as defined in the international Slavery Convention of 1926 and the Supplementary Convention of 1956; (b) holding any person in a status of slavery or servitude as defined in those Conventions. The Council also called upon all States to search for persons alleged to have committed, or to have ordered to be committed, any such acts, and to bring such persons, regardless of their nationality, before its own courts or to hand such persons over for trial to another State concerned.

(c) *Exploitation of labour through illicit and clandestine trafficking*

Recalling the provisions of Economic and Social Council resolution 1706 (LII) in which the Council had noted with alarm and indignation reports of incidents involving the illegal transportation, organized or undertaken by criminal elements, to some European countries and the exploitation of workers from some African countries in conditions akin to slavery and forced labour, and had appealed to the Governments concerned to take or enforce the application of measures to put an end to the discriminatory treatment of which migrant workers in their territory were the victims. It invited all Governments to ensure respect for the provisions of the International Convention on the Elimination of All Forms of Racial Discrimination and urged the Governments which had not yet done so to give high priority to the ratification of the ILO Convention concerning Migration for Employment (Revised 1949).

(d) *Question of the violation of human rights*

At its twenty-eighth session, the Commission on Human Rights examined a study, prepared by an *Ad Hoc* Working Group of Experts, of the question of *apartheid* from the point of view of international penal law;<sup>20</sup> the study dealt with the relevant doctrine, with international instruments relating to international penal law and with practices and manifestations of *apartheid* which could be considered as crimes under international law. On the recommendation of the Commission, the Council decided to transmit the study to Member States, the Special Committee on *Apartheid* and the International Law Commission for comment.

(2) PROMOTION OF EQUALITY OF MEN AND WOMEN<sup>21</sup>

(a) *International instruments and national standards relating to the status of women*

The Secretary-General prepared for the twenty-fourth session of the Commission on the Status of Women a report<sup>22</sup> on the implementation of the Declaration on the Elimi-

<sup>20</sup> E/CN.4/1075.

<sup>21</sup> For detailed information, see *Official Records of the Economic and Social Council, Fifty-second Session, Supplement No. 6* (E/5109).

<sup>22</sup> E/CN.6/548.



nation of Discrimination against Women,<sup>23</sup> on the basis of which the Commission [resolution 2 (XXIV)] expressed the hope that Member States give full effect to the Declaration. As a result of the work of the Commission in this field, the General Assembly adopted two resolutions, one of which [resolution 3209 (XXVII)] related to the employment of women in senior and other professional positions in the secretariats of organizations in the United Nations system and the other one [resolution 3007 (XXVII)] requested the Secretary-General to submit to it at its twenty-eighth session a study relating to the Staff Rules and Regulations of the United Nations whose application might give rise to discrimination on grounds of sex. The Commission also examined, at its twenty-fourth session, a report prepared by the ILO on the application of the principles of equal remuneration for men and women workers.<sup>24</sup> Finally, on the basis of a report of the Secretary-General, the Commission decided to establish a working group which would begin work on the preparation of a new draft instrument of international law to eliminate discrimination against women. At its fifty-fourth session, the Economic and Social Council established the working group whose report<sup>25</sup> will be considered by the Commission at its twenty-fifth session.

(b) *The role of women in the family*

(i) *The status of the unmarried mother*

On the recommendation of the Commission on the Status of Women, the Economic and Social Council [resolution 1679 (LII)] adopted a set of general principles aimed at the elimination of any legal or social discrimination against the unmarried mother.

(ii) *The status of women in private law*

The Secretary-General has undertaken the preparation of a report on the legal capacity of married women which will be arranged according to the following outline: nature of the legal relationship existing between the spouses, capacity of the wife in the context of the personal as well as the basic patrimonial relations of the spouses and questions of domicile and residence of the wife, including freedom of movement.

(3) OFFICE OF THE UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES<sup>26</sup>

With respect to the international instruments relating to the status of refugees, it is to be noted that additional States have acceded to the 1967 Protocol relating to the Status of Refugees.<sup>27</sup> Reports received from States parties to the 1951 Convention<sup>28</sup> and the 1967 Protocol indicate that these instruments are, on the whole, being implemented in a satisfactory manner.

Among other international legal instruments of direct interest to refugees, the OAU Convention of 1969 governing the Specific Aspects of Refugee Problems in Africa is of special importance since the great majority of refugees assisted by UNHCR are in Africa. One third of the 41 States members of OAU must ratify the Convention before it comes into force; as of 15 June 1972, five countries had ratified it. Four States have adhered to

<sup>23</sup> Reproduced in the *Juridical Yearbook*, 1967, p. 140.

<sup>24</sup> E/CN.6/550.

<sup>25</sup> E/CN.6/574.

<sup>26</sup> For detailed information see *Official Records of the General Assembly, Supplement No. 12 and 12A (A/8712 and Add.1)*.

<sup>27</sup> Reproduced in the *Juridical Yearbook*, 1967, p. 285.

<sup>28</sup> United Nations, *Treaty Series*, vol. 189, p. 137.

the 1961 Convention on the Reduction of Statelessness;<sup>29</sup> two additional accessions are required for the entry into force of the Convention.

On the national plane, further measures have been taken for the benefit of refugees, particularly in respect of access to employment and social security.

With regard to the vital questions of asylum and *non-refoulement* increasing attention is being given to the possibility of strengthening the application of the principle of asylum by the adoption of a binding legal instrument on the subject.

#### (4) DRUG ABUSE CONTROL

Pursuant to Economic and Social Council resolution 1577 (L), the United Nations Conference to consider Amendments to the Single Convention on Narcotic Drugs, 1961, met at Geneva with the participation of the representatives of 97 States, observers from five States and representatives of WHO, the International Narcotics Control Board and the International Criminal Police Organization. As a result of its deliberations, the Conference adopted and opened for signature a Protocol amending 13 articles of the Single Convention and introducing 3 new articles thereto.

### 4. INTERNATIONAL COURT OF JUSTICE<sup>30</sup>

#### (1) CASES SUBMITTED TO THE COURT

(a) *Appeal relating to the jurisdiction of the ICAO Council (India v. Pakistan)*.

[For a summary of the judgment delivered by the Court, see p. 203 of this *Yearbook*].

(b) *Fisheries jurisdiction (United Kingdom v. Iceland; Federal Republic of Germany v. Iceland)*.

These two cases which concern Iceland's decision to extend its exclusive jurisdiction from a limit of 12 to one of 50 miles as from 1 September 1972 are pending before the Court.

(c) *Application for review of Judgment No. 158 of the United Nations Administrative Tribunal (Advisory opinion)*

These proceedings arose from an application for the review of Judgement No. 158 given by the United Nations Administrative Tribunal in the case of *Fasla v. the Secretary-General*.<sup>31</sup>

On 20 June 1972, the Committee on Applications for Review of Administrative Tribunal Judgement decided to request of the Court an advisory opinion on the questions whether the Tribunal had failed to exercise its jurisdiction in the case or had committed a fundamental error in procedure occasioning a failure of justice.<sup>32</sup>

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<sup>29</sup> A/CONF.9/15.

<sup>30</sup> For detailed information see I.C.J. *Yearbook* 1971-1972 No. 26, and 1972-1973 No. 27.

<sup>31</sup> For a summary of this judgement, see p. 127 of this *Yearbook*.

<sup>32</sup> The Court delivered its advisory opinion on 12 July 1973.

## (2) FIFTIETH ANNIVERSARY OF THE INAUGURATION OF THE INTERNATIONAL JUDICIAL SYSTEM

On 27 April 1972, the Court held a Special Sitting in order to commemorate the fiftieth anniversary of the inauguration of the international judicial system. The President of the Court recalled that the Permanent Court of International Justice had held its inaugural meeting in the same hall on 15 February 1922, and went on to trace the evolution and the future prospects of international judicial settlement.

## (3) REVISION OF THE RULES OF COURT

While the Court has not yet completed the entire revision of its rule of procedure, on 10 May 1972 it adopted amendments to the articles of the Rules which appeared to call for amendments as a matter of priority with the aim of making its procedure as simple and expeditious as possible, to provide for greater flexibility, to avoid delays and to simplify both contentious and advisory proceedings. The Rules of Court as amended have come into force on 1 September 1972 but for cases submitted before that date, the previous Rules will continue to apply.

## 5. INTERNATIONAL LAW COMMISSION

Most of the twenty-fourth session of the Commission was devoted to the consideration of the topics "Succession of States in respect of treaties" and "Question of the protection and inviolability of diplomatic agents and other persons entitled to special protection under international law". On both of these topics the Commission adopted a complete set of draft articles.<sup>33</sup>

At its twenty-seventh session, the General Assembly [resolution 2926 (XXVII)] recommended that the Commission should continue its work on the following questions: State responsibility succession of States in respect of matters other than treaties, most-favoured-nation clause, treaties concluded between States and international organizations or between two or more international organizations. It also invited States and the specialized agencies and interested intergovernmental organizations to submit as soon as possible their comments on the draft articles concerning the prevention and punishment of crimes against diplomatic agents and decided to include the question in the provisional agenda of its twenty-eighth session with a view to the final elaboration of a convention by the General Assembly.

## 6. UNITED NATIONS COMMISSION ON INTERNATIONAL TRADE LAW <sup>34</sup>

At its fifth session, the Commission continued its work concerning the international sale of goods: it considered: (1) with respect to the question of the "Uniform rules gover-

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<sup>33</sup> For the text of these two drafts see *Official Records of the General Assembly, Twenty-seventh Session, Supplement No. 10 (A/8710/Rev.1)*. See also *ibid.*, *Twenty-seventh Session, Annexes*, agenda item 85 and *Yearbook of the International Law Commission 1972*, vols. I and II (United Nations publication, Sales Nos. E.73.V.4 and E.73.V.5).

<sup>34</sup> For detailed information, see *Official Records of the General Assembly, Twenty-seventh Session, Supplement No. 17 (A/8717)* and *ibid.*, *Twenty-seventh Session, Annexes*, agenda item 86. See also *Yearbook of the United Nations Commission on International Trade Law*, volume III: 1972 (United Nations publication, Sales No. E.73.V.6).

ning the international sale of goods” a programme report on the third session of the Working Group on Sales, held in January 1972; and (2) with respect to the “General conditions of sale and standard contracts” a progress report on a study by the Secretary-General concerning the feasibility of developing general conditions embracing a wider scope of commodity than were included in existing general conditions forms; with respect to time limits and limitations (prescription), the Commission approved a draft convention, the purpose of which is to provide uniform rules relating to the period within which claims arising out of international sales transactions may be brought before a tribunal.

With respect to international payments, the Commission established a working group entrusted with the task of preparing a final draft uniform law on international bills of exchange and promissory notes.

Finally, the Commission proceeded with work on international commercial arbitration and international legislation on shipping.

The General Assembly [resolution 2928 (XXVII)] commended the Commission for the progress it had made and recommended that it should combine its work. Furthermore the Assembly [resolution 2929 (XXVII)] decided that an international conference of plenipotentiaries should be convened in 1974 to conclude, on the basis of the draft articles prepared by the Commission, a convention on prescription (limitation) in the international sale of goods.

## 7. OTHER LEGAL QUESTIONS

### (1) QUESTION OF DEFINING AGGRESSION <sup>35</sup>

At its 1972 session, the Special Committee on the Question of Defining Aggression re-established its Working Group, which was instructed to help the Special Committee in the same manner as at the 1971 session. In the interval between formal meetings of the Working Group, informal negotiations were held with a view to overcoming the difficulties which had arisen and to reaching generally acceptable compromise solutions on the various elements of the definition.

On the recommendation of the Special Committee, the Assembly decided at its twenty-seventh session [resolution 2967 (XXVII)] that the Committee should resume its work in 1973.

### (2) INTERNATIONAL TERRORISM <sup>36</sup>

Further to an initiative taken by the Secretary-General, the General Assembly decided [resolution 3034 (XXVII)] entitled “Measures to prevent international terrorism which endangers or takes innocent human lives or jeopardizes fundamental freedoms, and study of the underlying causes of those forms of terrorism and acts of violence which lie in misery, frustration, grievance and despair and which cause some people to sacrifice human lives, including their own, in an attempt to effect radical changes”) to establish an *Ad Hoc* Committee on International Terrorism consisting of 35 members and requested it *inter alia* to formulate recommendations for possible co-operation for the speedy elimination of the problem.

<sup>35</sup> For detailed information, see *Official Records of the General Assembly, Twenty-seventh Session, Supplement No. 19 (A/8719)* and *ibid.*, *Twenty-seventh Session, Annexes*, agenda item 88.

<sup>36</sup> For detailed information, see *Official Records of the General Assembly, Twenty-seventh Session, Annexes*, agenda item 92. For the report of the Committee to the twenty-eighth session of the General Assembly, see *ibid.*, *Twenty-eighth Session, Supplement No. 28 (A/9028)*.

### (3) RESPECT FOR HUMAN RIGHTS IN ARMED CONFLICT <sup>37</sup>

At its twenty-seventh session, the Assembly had before it a report of the Secretary-General (A/8781 and Corr.1) containing a summary of the results of the Conference of Government Experts on the Reaffirmation and Development of International Humanitarian Law Applicable in Armed Conflicts, convened by the International Committee of the Red Cross at Geneva in the spring of 1972. The Assembly welcomed [resolution 3032 (XXVII)] the readiness of the Swiss Federal Council to convoke a diplomatic conference on the question. It also called upon all parties to armed conflicts to observe the international humanitarian rules which are applicable and requested the Secretary-General to prepare, as soon as possible, a survey of existing rules of international law concerning the prohibition or restriction of use of specific weapons. <sup>38</sup>

### (4) LEGAL ASPECTS OF THE PEACEFUL USES OF OUTER SPACE <sup>39</sup>

The most significant development was the coming into effect, on 1 September 1972, of the *Convention on International Liability for Damage caused by Space Objects*. <sup>40</sup>

At its fifteenth session, the Committee on the Peaceful Uses of Outer Space commended the Legal Sub-Committee for approving, at the Sub-Committee's eleventh session, the text of the preamble and 21 articles of a draft treaty relating to the Moon and for elaborating the text of the preamble and nine articles of the draft convention on the registration of space objects. At its twenty-seventh session, the General Assembly [resolution 2915 (XXVII)] agreed that the Legal Sub-Committee should pursue, as a matter of priority, its work on both drafts. It also expressed the hope for an early consideration by the Legal Sub-Committee of matters relating to the definition of outer space, to the use of satellites for direct television broadcasting and to remote sensing of earth resources through satellite.

### (5) THE SEA-BED OUTSIDE NATIONAL JURISDICTION AND CONVENING OF A CONFERENCE ON THE LAW OF THE SEA <sup>41</sup>

The Committee on the Peaceful Uses of the Sea-Bed and the Ocean Floor beyond the Limits of National Jurisdiction submitted to the General Assembly at its twenty-seventh session a report including an account of the questions dealt with in the general debate at both sessions in 1972 and of the work of the three Sub-Committees. Part I recounted comments relating to the rate of progress achieved; Part II dealt with subjects and functions allocated to Sub-Committee I (status, scope and basic provisions of the régime based on the Declaration of Principles set forth in General Assembly resolution 2749 (XXV); <sup>42</sup> Part III dealt with the work carried out by Sub-Committee II (preparation of a comprehensive list of subjects and issues relating to the law of the sea); Part IV dealt with the discussions in Sub-Committee III which covered the preservation of the marine environment, including the prevention of pollution, scientific research and the transfer of technology. At its

<sup>37</sup> For detailed information, see *ibid.*, *Twenty-seventh Session, Annexes*, agenda item 49.

<sup>38</sup> The study has been submitted to the twenty-eighth session of the General Assembly as document A/9215.

<sup>39</sup> For detailed information, see *Official Records of the General Assembly, Twenty-seventh Session, Supplement No. 20 (A/8720)* and *ibid.*, *Twenty-seventh Session, Annexes*, agenda item 28.

<sup>40</sup> Reproduced in the *Juridical Yearbook*, 1971, p. 111.

<sup>41</sup> For detailed information, see *Official Records of the General Assembly, Twenty-seventh Session, Supplement No. 21 (A/8721 and Corr.1)* and *ibid.*, *Twenty-seventh Session, Annexes*, agenda item 36.

<sup>42</sup> Reproduced in the *Juridical Yearbook*, 1970, p. 55.

twenty-seventh session, the General Assembly [resolution 3029A (XXVII)] *inter alia* requested the Secretary-General to convene the first session of the Third United Nations Conference on the Law of the Sea in New York in November and December 1973 and decided to convene the second session of the Conference at Santiago, Chile in April and May 1974.

#### (6) RELATIONS WITH THE HOST COUNTRY <sup>43</sup>

The Committee on Relations with the Host Country held six meetings in 1972. In its report to the General Assembly at the twenty-seventh session, the Committee included a set of recommendations on measures by the host country to ensure the security of permanent missions and the safety of their personnel. The General Assembly [resolution 3033 (XXVII)] condemned all acts of violence, terrorist attacks and harassment against missions or their personnel, considered it necessary that active measures be taken to enhance relations between the diplomatic community and the local community and decided that the Committee should continue its work in 1973.

### 8. UNITED NATIONS INSTITUTE FOR TRAINING AND RESEARCH

In the course of 1972, UNITAR published two additional studies on the peaceful settlement of disputes, entitled, respectively, *Peaceful Settlement in Africa: Role of the Organization for African Unity and the United Nations*; (document PS No. 5) and *The Quiet Approach: A Study of the Good Offices Exercised by the United Nations Secretary-General in the Cause of Peace* (document PS No. 6).

UNITAR also prepared a research report on international co-operation for pollution control (Research report No. 9).

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

### 1. INTERNATIONAL LABOUR ORGANISATION

1. The International Labour Conference, which held its fifty-seventh session in Geneva in June 1972, adopted the Instrument for the Amendment of the Constitution of the International Labour Organisation, 1972. <sup>44</sup> This instrument aims at increasing in a certain proportion the number of members who compose the Governing Body of the International Labour Organisation.

2. No convention or recommendation was adopted by the Conference at its fifty-seventh session.

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<sup>43</sup> For detailed information, see *Official Records of the General Assembly, Twenty-seventh Session, Supplement No. 26 (A/8726)* and *ibid.*, *Twenty-seventh Session, Annexes*, agenda item 91.

<sup>44</sup> Reproduced in this *Yearbook*, p. 86. Regarding the preparatory work, see: Substitution, in the provisions of the Constitution of the International Labour Organisation relating to membership of the Governing Body, of the figures "fifty-six", "twenty-eight", "eighteen" and "fourteen" for the figures "forty-eight", "twenty-four", "fourteen" and "twelve", International Labour Conference, fifty-seventh session, 1972, Report VII, 11 pp., English, French, German, Russian, Spanish; International Labour Conference, fifty-seventh session, 1972, Record of Proceedings, pp. 125-126.

3. The Committee of Experts on the Application of Conventions and Recommendations met in Geneva from 16-29 March 1972 and presented its report. <sup>45</sup>

4. The Governing Body Committee on Freedom of Association met in Geneva and adopted Reports 126, <sup>46</sup> 127 <sup>46</sup> and 128 <sup>46</sup> on 11 November 1971, 129 <sup>46</sup> and 130 <sup>46</sup> on 25 February 1972, and 131 <sup>46</sup> and 132 <sup>46</sup> on 1 June 1972.

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

The principal intergovernmental bodies of the Organization responsible for FAO activities of a legal nature are the Conference which, due to its biennial rhythm of sessions did not meet in 1972; the Council which held its fifty-ninth session from 20 November to 1 December 1972; and the Committee on Constitutional and Legal Matters (CCLM) which held its twenty-sixth session from 26 to 29 September 1972.

At the Secretariat level, the legal activities of FAO are coordinated, since 1971, in a single Legal Office directed by the Legal Counsel and consisting of the Office of the Legal Counsel and the Legislation Branch.

### I. OFFICE OF THE LEGAL COUNSEL <sup>47</sup>

#### 1. *General legal advice and services*

In addition to current legal advice and services provided to the Director-General and various units of the Secretariat, the activities of the Office of the Legal Counsel included in 1972 follow-up action to the sixteenth session of the Conference held in November 1971 and the preparation of and services to the sessions of the CCLM <sup>48</sup> and the Council <sup>49</sup> held in 1972 dealing *inter alia* with the following subjects:

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<sup>45</sup> This report has been published as Report III (Part IV) to the International Labour Conference and consists of three volumes: Vol. A, "General Report and Observations concerning Particular Countries" (Report III (Part 4A), 269 pp., English, French, Spanish; Vol. B, "General Survey on the Reports relating to the Employment Policy Convention and Recommendation, 1964" (Report III (Part 4B)), 127 pp., English, French, Spanish; Vol. C, "General Survey on the Reports relating to two Recommendations concerning Social Conditions of Seafarers (Nos. 107 and 108)" (Report III (Part 4C)), 12 pp., English, French, Spanish.

<sup>46</sup> These reports will be published in the form of supplements to various issues of Vol. LV (1972) of the *Official Bulletin*, the publication of which has been postponed.

<sup>47</sup> In addition to the Legal Counsel, the Office consists of six legal officers, of whom one deals with environment law and one covers the legal aspects of international fisheries.

The functions of the Office of the Legal Counsel are:

to provide to the Conference, the Council and other organs of the Organization and of the World Food Programme, as well as the Director-General and the various units of the Secretariat, advice on legal and constitutional questions arising from the activities of the Organization; to represent the Director-General in judicial proceedings before international and national tribunals and in negotiations concerning the settlement of disputes and other legal matters; to prepare drafts of international conventions and agreements and other instruments; to discharge the Director-General's responsibilities as depositary of conventions and agreements; to provide the secretariat and substantive services to the CCLM and, where required, to other committees and conferences dealing with legal matters; to deal with the legal aspects of international fisheries; to deal with the international law aspects of environment protection and coordinate sectoral legislative work in this field.

<sup>48</sup> CL 59/26.

<sup>49</sup> CL 59/REP, paras. 220 to 271.

- review of FAO Basic Texts
- official and working languages of FAO <sup>50</sup>
- methods of work of the Council
- increase in the number of Council seats
- establishment of Statutes for the Joint FAO/WHO/OAU Regional Food and Nutrition Commission for Africa.

Work connected with sessions of other inter-governmental bodies included:

- a study on “appellations d’origine” and international food standards for the Executive Committee of the FAO/WHO *Codex Alimentarius* Commission <sup>51</sup>
- advice on the question of assistance by the UN/FAO World Food Programme to Bangladesh <sup>52</sup>

The following reference documents of legal interest were issued in 1972:

- (i) FAO Basic Texts ... 1972 ed., 2 v. in 1. <sup>53</sup>
- (ii) Reference Table of Amendments to the FAO Constitution from 1945 to 1971 inclusive (LEG: MISC/72).
- (iii) Register of international organizations that have formal relations with FAO.
- (iv) Directory of FAO statutory bodies and panels of experts 1972.
- (v) Selected Bibliography on Legal, Historical and Political Aspects of the Food and Agriculture Organization of the United Nations (FAO) and Related Institutions. (LEG: MISC/72/1).

## 2. *Environment Law*

In addition to the contributions prepared for the United Nations Conference on the Human Environment held in Stockholm, a comparative study on environment legislation was published. <sup>54</sup>

Legal Office staff participated in, and contributed papers to, the “Table-Ronde sur les aspects juridiques de la lutte contre la pollution de l’air” at Strasbourg, France in March 1972; the FAO/SIDA Training Seminar on Marine Pollution Control at Göteborg, Sweden, in May 1972; and the Colloquium on “Man and his environment” convened by the International Association of Legal Science at Brussels in September 1972. Translations and summaries of environmental legislation of various countries and references to other current national legislation in this field were published in the FAO periodical *Food and Agricultural Legislation* (Volume XXI, Nos. 1 and 2). Legislative information on environment protection laws was provided to a number of governments and private researchers.

## 3. *Law of the sea and international fisheries*

The sixteenth session of the Conference of FAO (November 1971) recommended that the Committee on Fisheries review its ability to perform all the tasks it was likely to be called upon to carry out in the interest of rational management and utilization of the world fishery resources including those that might arise from the United Nations Conferences

<sup>50</sup> See also CCLM 26/2.

<sup>51</sup> CX/EXEC 72/18/11.

<sup>52</sup> WFP/IGC: 22/20 and WFP/IGC: 22/22, para. 104.

<sup>53</sup> Issued in English, French, Spanish and Arabic.

<sup>54</sup> Sand, P. H. *Legal Systems for Environment Protection: Japan, Sweden, United States*. FAO Legislative Studies No. 4, iii + 60 pp.



on the Human Environment and on the Law of the Sea. At its seventh session in April 1972, the Committee on Fisheries considered a secretariat document outlining the constitutional and legal problems involved.<sup>55</sup> After a thorough debate on the question of its status, functions and composition the Committee decided to refer the matter to one of its sub-committees for further study.

At its annual sessions the Committee on Fisheries is kept informed of the progress achieved by the United Nations Committee on the Peaceful Uses of the Sea-Bed and the Ocean Floor Beyond the Limits of National Jurisdiction (hereinafter referred to as the enlarged Sea-Bed Committee) acting as preparatory committee for the Third United Nations Conference on the Law of the Sea. In particular, the FAO Secretariat prepares synopses of the discussions and proposals relating to fisheries. At its seventh session in April 1972, the Committee on Fisheries considered a document on the session held by the enlarged Sea-Bed Committee in July-August 1971.<sup>56</sup>

Matters of legal interest also arise out of the work of the regional fishery bodies of FAO.<sup>57</sup> At its Third Session in December 1972, the FAO Fishery Committee for the Eastern Central Atlantic gave preliminary consideration to a secretariat document<sup>58</sup> on the question of enforcement of the conservation and management measures adopted by that Committee, with particular reference to possible arrangements for international inspection.

## II. LEGISLATION BRANCH<sup>59</sup>

### 1. *Legislative assistance in the field*

Assistance in the field is carried out either by specifically recruited legal experts supervised by the Legislation Branch and provided by it with the necessary backstopping or by officers of the Branch acting temporarily in an advisory capacity to Member Nations or UNDP field projects. Such assistance is provided upon specific requests from Governments, FAO technical departments or field projects.

<sup>55</sup> COFI/72/6.

<sup>56</sup> COFI/72/7-Sup. 1.

<sup>57</sup> See generally *Directory of subsidiary bodies of the FAO regional fishery councils, commissions and committees*. Compiled by Fishery Liaison Unit, Dept. of Fisheries (FAO Fisheries Circular No. 136).

<sup>58</sup> CECAF/72/6.

<sup>59</sup> The Legislation Branch advises and assists the FAO Secretariat and Member Nations, both at Headquarters and in the field, on relevant legislative measures and on legal or institutional aspects in the spheres of FAO's competence designed to help the development process.

Its staff of 10 permanent legal officers is subdivided into three sections and a documentation unit and responsibilities are distributed as follows:

(a) *Agrarian and Water Legislation Section*: Legislative aspects of agricultural planning, land use, agrarian structures and reform, soil and water resources, agricultural taxation, cooperatives, credit, insurance and marketing.

(b) *Forestry, Wildlife and Fisheries Legislation Section*: Legislative aspects of forest management, production and industries; wildlife, national parks and hunting; fisheries and related aspects including water pollution.

(c) *Animal, Plants and Food Legislation Section*: Legislative aspects of animal production, veterinary and animal quarantine, animal protection; plant production and protection, quarantine, seeds, fertilizers, insecticides, pesticides, breeder's rights; food standards, inspection, control, labelling, production and marketing.

(d) *Legislative Reference Unit*: Collection, translation, indexing and dissemination of legislative information from FAO member countries.

Projects provided with legislative assistance in the recent past included: water legislation and administration in Ethiopia, Fiji, Cyprus, Libya, Jamaica, Costa Rica, Chad and Mekong Basin Commission; rural code for Togo, land reform legislation in Latin America, soil consolidation legislation in Cyprus inland fisheries legislation in British Solomon Islands, People's Democratic Republic of Yemen, Sudan, Chad Basin; wildlife legislation for the Chad Basin, Sudan, Nepal; forestry legislation in Venezuela, Mexico, El Salvador; food and dairy legislation in Malawi, Ecuador, Sudan.

## 2. *Legal drafting*

Member Nations especially the developing countries, are tending increasingly to resort to legislation as a means of building the institutional framework needed for promoting economic and social development. This policy has made itself felt in various fields of land reform as well as in forestry, fisheries and food legislation and the Legislation Branch furnishes assistance in drafting or reviews drafts at the request of Member Nations or of FAO technical experts.

Legislative drafts on which advice was given in recent years included: draft land reform laws for Latin American countries, draft soil conservation law for Iran, fisheries legislation for Chile, Dahomey and Libya, draft law on the prevention of water pollution in Bangladesh, draft seed and feedstuffs law for Pakistan, draft wheat law for Syria, milk legislation for Madagascar, Nigeria, Ethiopia, amendment to rural succession law for Tunisia, draft rural code for Rwanda, draft legislation on settlement in Lybia, draft legislation on land use planning in Ethiopia, Mekong Basin Water Charter.

## 3. *Special or comparative legal studies and reports*

The Legislation Branch has undertaken or contributed to the preparation of a number of studies, documents and working papers of a specialized character on the legislative aspects of subjects of current interest to the FAO.

### III. COLLECTION, TRANSLATION AND DISSEMINATION OF LEGISLATIVE INFORMATION

FAO's documentation contains an extensive collection of laws and regulations promulgated by Member Nations during the last fifty years on food, agriculture, forestry and fisheries.

A card index of this material is currently abstracted from about 16,000 official gazettes and other official publications of Member Nations and is classified by subject matter and by country according to a standard classification system. FAO possesses more than 125,000 laws and regulations on food and agriculture, filed since 1946 in addition to the texts collected by the former International Institute of Agriculture from 1911 to 1945.

FAO publishes semi-annually the *Food and Agriculture Legislation*. Annotated lists of laws and regulations on land reform, land settlement and agricultural cooperatives appear regularly in *Land Reform*, a semi-annual FAO publication. Analogous lists are also published in the quarterly *Nutrition Newsletter*.

### 3. UNITED NATIONS EDUCATIONAL, SCIENTIFIC AND CULTURAL ORGANIZATION

#### I. CONSTITUTIONAL AND PROCEDURAL QUESTIONS

##### (a) *Executive Board*

At its seventeenth session, the General Conference, after having considered several alternative proposals on the matter,<sup>60</sup> decided to increase the membership of the Executive Board from thirty-four to forty.<sup>61</sup>

With the view to speeding up considerably the rotation cycle of membership of the Board and offering the opportunity to a greater number of Member States to participate in the activities of the Board, the General Conference, at the same session, reduced the duration of the term of office of members of the Board from six years to four years without immediate eligibility for a second term.<sup>62</sup>

Notwithstanding the aforesaid, members of the Board elected prior to the seventeenth session of the General Conference shall serve until the end of the term for which they were elected and those appointed prior to the seventeenth session of the General Conference by the Board in accordance with the provisions of paragraph 4 of Article V of the Constitution to replace members with a four-year term will be eligible for a second term of four years.<sup>63</sup>

##### (b) *The Legal Committee*

The Legal Committee, in its eight report (part II) to the sixteenth session of the General Conference, stated inter alia that it considered it desirable that a review of its functions as defined in the Rules of Procedure of the General Conference be undertaken, such a review having as its aim "... a more precise definition of those functions in the light of recent developments and current practice".<sup>64</sup>

The General Conference concurred in this opinion of the Committee, placed the "Functions of the Legal Committee" as one of the items on the agenda for its seventeenth session and invited the Director-General to prepare a study of the matter for its consideration.<sup>65</sup>

At the seventeenth session of the General Conference, the Legal Committee, after having considered the Director-General's study,<sup>66</sup> reported to the plenary meeting of the General Conference on the matter and upon the recommendations contained in that report,<sup>67</sup> the General Conference adopted a resolution<sup>68</sup> by which it re-defined some of the functions of the Committee as laid down in the aforementioned Rules of Procedure and also provided that the Committee shall submit its reports directly to the General Conference or to the referring organ or the organ which has been designated by the General Conference.

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<sup>60</sup> See Annexes III-VIII of Document 17C/93, 23 October 1972, 9 p. and Annexes.

<sup>61</sup> 17C/Res. 13.1, 24 October 1972. See p. 88 of this *Yearbook*.

<sup>62</sup> 17C/Res. 13.2, 24 October 1972. See p. 88 of this *Yearbook*.

<sup>63</sup> *Ibid.*

<sup>64</sup> See Part II of Document 16C/104, 9 November 1970.

<sup>65</sup> 16C/Res. 46, 13 November 1970.

<sup>66</sup> Document 17C/27, 14 September 1972, 10 p. and Annex.

<sup>67</sup> Document 17C/93, Part V, 14 November 1972, 5 p. and Annex.

<sup>68</sup> 17C/Res. 13.5, 16 November 1972.

(c) *Discussion and separate vote in plenary meetings of the General Conference*

Until the seventeenth session of the General Conference, any Member State which proposed, at a session of the Conference, the discussion and separate vote in plenary meeting of a subject previously considered in the Programme or Administrative Commission and not included as a specific recommendation in the report of the Commission concerned, was required to give notice to the President of the General Conference in order that such a subject should be specifically listed in the agenda of the plenary meeting to which the report of the Commission was submitted.

Following the recommendation of the Executive Board<sup>69</sup> and the report of the Legal Committee,<sup>70</sup> the General Conference amended its Rules of Procedure with the result that the requirement referred to in the preceding paragraph has been broadened to apply in cases where subjects have been previously considered in a "... Committee or Commission in which all the Member States are represented."<sup>71</sup>

(d) *Methods of application of paragraphs 8 (b) and (c) of Article IV.C. of the Constitution*

Upon the recommendation of the Executive Board<sup>72</sup> and the report of the Legal Committee,<sup>73</sup> the General Conference, at its seventeenth session, adopted an amendment, to its Rules of Procedure, which makes it the responsibility of the Executive Board to consider communications received from Member States invoking the terms of Article IV, paragraph 8 (c), of the Constitution and to make recommendations thereon in a report to the General Conference.<sup>74</sup>

The General Conference may, however, before taking a decision on such a communication or on any other communication of the same nature received after the adoption by the Executive Board of its aforesaid report, decide to refer the question for examination to one of its Committees or Commissions.<sup>75</sup>

(e) *Financing of unforeseen and unavoidable expenses*

At its seventeenth session, the General Conference considered the question of the financing of unforeseen and unavoidable expenses. After examining the recommendation of the Executive Board<sup>76</sup> and the reports of the Director-General<sup>77</sup> and the Administrative Commission<sup>78</sup> on the subject, the General Conference decided to modify the financial practice of the Organization with regard to the approval of supplementary estimates. To this end, the General Conference adopted amendments to the Financial Regulations as a result of which, subject to final approval by the General Conference, supplementary estimates to a total of 2.5 per cent of the appropriation for the financial period may now be approved provisionally by the Executive Board, if the Board is satisfied that all possibilities of savings and transfers within Parts I to VI of the Budget have been exhausted.<sup>79</sup>

<sup>69</sup> 90 EX/Decision 6.2, September-November 1972.

<sup>70</sup> Document 17C/93, Part II, 27 October 1972, 1 p. and Annex.

<sup>71</sup> 17C/Res. 13.6, 30 October 1972.

<sup>72</sup> 90 EX/Decision 8.1, September-November 1972.

<sup>73</sup> Document 17C/93, Part VI, 15 November 1972, 1 p. and Annex.

<sup>74</sup> 17C/Res. 13.7, 16 November 1972.

<sup>75</sup> *Ibid.*

<sup>76</sup> 89 EX/Decision 8.5, May-July 1972.

<sup>77</sup> Document 17C/42, 7 August 1972, 3 p.

<sup>78</sup> 17C/92, Part V, paragraphs 64 to 68 and Annex—Recommendations, paragraph 14, 15 November 1972.

<sup>79</sup> 17C/Res. 19.1, 16 November 1972.

Supplementary estimates in excess of 2.5 per cent of the appropriations for the financial period will continue to be treated as before, that is, they will be reviewed by the Executive Board and submitted to the General Conference with such recommendations as the Board may consider desirable. <sup>80</sup>

## 2. MEMBER STATES

### (a) *New Member States*

From December 1971 to December 1972, the Constitution of UNESCO was signed, and instruments of its acceptance were deposited, on behalf of the following States:

<i>State</i>	<i>Date of signature</i>	<i>Date of deposit of instrument of acceptance</i>
Bahrain	18 January 1972	18 January 1972
Qatar	27 January 1972	27 January 1972
Oman	10 February 1972	16 December 1971
United Arab Emirates	20 April 1972	20 April 1972
Bangladesh	27 October 1972	27 October 1972
German Democratic Republic	24 November 1972	24 November 1972

Under the terms of the relevant provisions of the Constitution, <sup>81</sup> each of the aforementioned States became a member of the Organization on the respective date its acceptance took effect.

In the case of Bangladesh and the German Democratic Republic, as they were then not Member States of the United Nations, Article II (2) of the UNESCO Constitution applied to them. Thus, before they deposited their instruments of acceptance, the General Conference had, following applications received from the Governments of the two States and upon recommendations of the Executive Board, adopted by the required two-thirds majority resolutions admitting them to membership of UNESCO. <sup>82</sup>

### (b) *Withdrawal by a Member State*

On 25 June 1971, the Director-General received a communication by which the Minister of Foreign Affairs of Portugal informed him of Portugal's withdrawal from the Organization. <sup>83</sup> Article II (6) which governs withdrawal of Member States from the Organization provides, *inter alia*, that such a withdrawal notice "... shall take effect on 31 December of the year following that during which the notice was given".

Pursuant to this provision, the aforesaid notice of withdrawal by Portugal from the Organization took effect on 31 December 1972.

## 3. INTERNATIONAL REGULATIONS

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

In conformity with the terms of its Article 21, the Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural

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

<sup>81</sup> See Articles II and XV of the Constitution.

<sup>82</sup> See 17C/Res. O.71, 19 October 1972, and 17C/Res. 0.72, 21 November 1972.

<sup>83</sup> See circular letter CL/2159 and Annexes, 6 July 1971.

Property, adopted on 14 November 1970 by the General Conference,<sup>84</sup> entered into force on 24 April 1972, that is, three months after the deposit with the Director-General of the third instrument of ratification, acceptance or accession.

(b) *Adoption of new instruments*

In the course of the year under review, the three international standard-setting instruments listed below were adopted or proclaimed by the General Conference:

- Convention concerning the protection of the world cultural and natural heritage (Adopted on 16 November 1972)<sup>85</sup>
- Recommendation concerning the protection, at national level, of the cultural and natural heritage (Adopted on 16 November 1972)<sup>86</sup>
- Declaration of guiding principles on the use of satellite broadcasting for the free flow of information, the spread of education and greater cultural exchange (Proclaimed on 15 November 1972)<sup>87</sup>

4. INITIAL SPECIAL REPORTS BY MEMBER STATES

(a) *Reports submitted to the seventeenth session of the General Conference*

At its seventeenth session, the General Conference, after considering the initial special reports submitted by Member States on the action taken by them upon the Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property and on the Recommendation concerning the International Standardization of Library Statistics, adopted by the General Conference at its sixteenth session, adopted a general report embodying its comments on the aforesaid action taken by Member States and decided that the general report be transmitted to Member States and their National Commissions, and to the United Nations, in accordance with Article 19 of the Rules of Procedure concerning recommendations to Member States and international conventions covered by the terms of Article IV, paragraph 4, of the Constitution.<sup>88</sup>

(b) *Reports to be submitted to the eighteenth session of the General Conference*

The General Conference, at its seventeenth session, invited Member States to forward to it, not less than two months prior to the opening of its eighteenth session, an initial special report on the action taken by them on the Convention concerning the protection of the world cultural and natural heritage and on the Recommendation concerning the protection, at national level, of the cultural and natural heritage, adopted by the General Conference at its seventeenth session, and to include in such reports information on the points specified in paragraph 4 of resolution 10C/50.<sup>89</sup>

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<sup>84</sup> United Nations, *Juridical Yearbook* 1970, p. 124.

<sup>85</sup> Reproduced in this *Yearbook*, p. 89. See also Document SHC/MD/18, 21 February 1972, 1 p. and Annexes; 17C/18, 15 June 1972, 1 p. and Annex; 17C/Res. 29, 16 November 1972.

<sup>86</sup> See Document SHC/MD/18, 21 February 1972, 1 p. and Annexes; 17C/18, 15 June 1972, 1 p. and Annex; 17C/Res. 30, 16 November 1972.

<sup>87</sup> See Document 17C/76, 21 July 1972, 5 p. and 17C/Res. 4.111, 15 November 1972.

<sup>88</sup> 17C/Res. 32.1, 16 November 1972.

<sup>89</sup> 17C/Res. 33.1, 16 November 1972.

## 5. COPYRIGHT AND NEIGHBOURING RIGHTS

### (a) *Desirability of modifying existing conventions or preparing a new international instrument on the protection of television signals transmitted by space satellites*

Pursuant to decisions of the Executive Board of UNESCO at its 88th session (decision 4.5.1) and of the Executive Committee of the Berne Union at its second ordinary session, a second Committee of Governmental Experts on problems in the field of copyright and of the protection of performers, producers of phonograms and broadcasting organizations raised by transmission via space satellites was convened at UNESCO Headquarters in Paris from 9 to 17 May 1972.

Following a general discussion to see whether the problems involved should be solved by revising existing conventions, by the conclusion of an independent new treaty or by some other means, the Committee examined the draft convention prepared by the first Committee of Governmental Experts which met at Lausanne from 21 to 20 April 1971. At the close of its work, the Committee adopted a resolution recommending that once a commentary on the draft convention had been prepared by the Secretariats of UNESCO and the World Intellectual Property Organization (WIPO), and governments and governmental experts had submitted their observations, a third Committee of Experts be convened in 1973 to decide, in the light of its deliberations, whether it was desirable for a diplomatic conference on the matter to be held in 1974.<sup>90</sup>

The seventeenth session of the General Conference of UNESCO<sup>91</sup> authorized the Director-General to convene, in 1973, jointly with the Director-General of WIPO, a third Committee of Governmental Experts, and decided—should the third Committee so recommend—that an intergovernmental conference shall be convened in 1974, jointly with WIPO, so as to draw up and adopt an appropriate international convention on the protection of television signals transmitted by satellite.

### (b) *International Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organizations—Intergovernmental Committee*

The Intergovernmental Committee established by Article 32 of this Convention,<sup>92</sup> for which the International Labour Office (ILO), UNESCO and WIPO jointly provide the secretariat, held an extraordinary session on 21 and 22 September 1972 at ILO Headquarters in Geneva to consider the conclusions of the second Committee of Governmental Experts on problems in the field of copyright and of the protection of performers, producers of phonograms and broadcasting organizations raised by transmission via space satellites. At this same session, the Committee was informed of progress made in preparing a draft model law to facilitate the ratification and implementation of the Convention.<sup>93</sup>

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<sup>90</sup> Report of the second Committee of Governmental Experts on problems in the field of copyright and of the protection of performers, producers of phonograms and broadcasting organizations raised by transmission via space satellites, *Unesco/WIPO/SAT.2/14*, 15 June 1972.

<sup>91</sup> 17C/Res. 5.161, 24 October 1972.

<sup>92</sup> United Nations, *Treaty Series*, vol. 496, p. 43.

<sup>93</sup> Report of the Extraordinary Session of the Intergovernmental Committee of the International Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organizations, *ILO/Unesco/WIPO/ICR/1972 EX/6*, 21-22 September 1972.

(c) *Advisability of adopting an international instrument concerning the photographic reproduction of copyrighted works*

After examining the report of the Director-General (17C/23) at its seventeenth session, the General Conference of UNESCO adopted resolution 5.15,<sup>94</sup> in which it expressed the opinion that it is desirable to prepare an international instrument concerning the photographic reproduction of copyrighted works, and that the instrument should take the form of a recommendation to Member States. The General Conference invited the Intergovernmental Copyright Committee and the Executive Committee of the Berne Union to examine at their meetings in 1973, the feasibility of preparing such a recommendation, and authorized the Director-General to take account of the results of these meetings and, if feasible, to prepare a draft recommendation for submission to the eighteenth session of the General Conference.

(d) *Advisability of adopting an international instrument for the protection of translators*

The seventeenth session of the General Conference<sup>95</sup> decided to defer consideration of the advisability of adopting an international instrument on the protection of translators to its eighteenth session, and in the meantime invited the Director-General to prepare and submit a report on the desirability of such an instrument and its possible scope and manner of approach.

(e) *International Copyright Information Centre*

Set up in 1971, in accordance with resolution 4.122 adopted by the General Conference at its sixteenth session, as part of the Office of Free Flow of Information, this Centre whose purpose is to "afford developing countries greater access to protected works" was transferred on 1 May 1972 to the Office of International Standards and Legal Affairs.

The Centre began its work by requesting the developing countries to indicate their needs in the field of protected works, and by inviting the developed countries to establish suitable machinery in order to make the works required by the developing countries available to them on the most favourable possible terms. It also encouraged the establishment of national or regional copyright information centres which would co-operate with it by serving as a link between the authors and publishers concerned.

Five national centres had been set up by the end of 1972 in the following countries: United States of America, France, United Kingdom, Federal Republic of Germany and Canada. On their side, the Regional Book Development Centres for Latin America (Bogota) and Asia (Karachi and Tokyo) assumed equivalent functions at the regional level.

Several developing countries approached the International Copyright Information Centre in 1972, either to ask it to get in touch with the copyright holders of certain works published in industrialized countries and obtain authorization to translate or reproduce these works, or to request its assistance in identifying the holders of the copyrights in question.

For the purpose of establishing an inventory of the problems which access to works protected by copyright raises for developing countries, the Centre prepared a questionnaire which the Director-General sent out on 7 July 1972 to all States members of UNESCO. The results of the questionnaire were then analysed and classified in order to identify the

<sup>94</sup> 17C/Res. 5.151, 24 October 1972.

<sup>95</sup> 17C/Res. 5.141, 24 October 1972.



problems and determine their extent in each region of the world, as well as within each country. The replies received from 48 States reveal difficulties of four kinds connected with (i) gathering information (bibliographical information, selecting titles, identifying copyright holders); (ii) international relations concerning copyright; (iii) the possibilities of translation and adaptation (lack of translators and adaptors qualified both linguistically and from the point of view of their specialization in the subjects dealt with in the books to be translated); (iv) the economic situation (copyright financing, obstacles of an economic nature relating in particular to customs duties, import taxes, transport charges and currency regulations).

The study of the date produced by the inquiry shows that, despite differences of detail, there is great similarity in the problems faced by developing countries in gaining access to works protected by copyright. These problems have been classified systematically with a view to submitting them for consideration at a meeting of those in charge of regional and national copyright information centres, publishers' associations and bodies and organizations representing authors, whose recommendations will provide the Centre with very useful guidelines for pursuing the goals which have been assigned to it. The preparations for this meeting, planned for 1973, took up a considerable part of the Centre's activities during the final months of 1972.

## 6. HUMAN RIGHTS

### (a) *Implementation of the Convention and Recommendation against Discrimination in Education*

The second report <sup>96</sup> of the Committee on Conventions and Recommendations in Education which has responsibility for examining periodic reports by Member States on the implementation of the Convention and Recommendation against Discrimination in Education, together with the comments of the Executive Board on that report, <sup>97</sup> was submitted to the seventeenth session of the General Conference.

After adopting the aforesaid report, the General Conference *inter alia* recommended that the Director-General study whether it would not be advisable, as provided for by Article 6 of the Convention against Discrimination in Education and by Section VI of the Recommendation against Discrimination in Education, for the General Conference at subsequent sessions to adopt new recommendations for the international regulation of carefully selected questions so as to clarify the measures to be taken against discrimination and to ensure equality of opportunity and treatment, and submit relevant proposals to this effect to the Executive Board. <sup>98</sup>

### (b) *Conciliation and Good Offices Commission to be responsible for seeking the settlement of any disputes which may arise between States Parties to the Convention against Discrimination in Education*

On the report of the Nominations Committee, the seventeenth session of the General Conference, on 20 November 1972, re-elected for a six-year term the following persons as members of the above-mentioned Commission: Dr. Narciso B. Albarracin (Philippines), Professor Dr. Wilhelm Friedrich de Gaay Fortman (Netherlands), Mr. Kéba M'Baye (Senegal) and Judge Helga Pedersen (Denmark). <sup>99</sup>

<sup>96</sup> See Document 17C/15, 15 September 1972, 49 p. and Annexes.

<sup>97</sup> 89 EX/Decision 4.2.4., May-July 1972.

<sup>98</sup> 17C/Res. 31.1., 17 November 1972.

<sup>99</sup> See Document 17C/NOM/8, 18 August 1972, 2 p. and Annexes, and 17C/Res. 5.122, 20 November 1972.

In the year under review, no dispute was referred to the Commission for settlement.

(c) *Formulation of international standards*

The Secretariat prepared a preliminary study on the desirability of adopting an international instrument on education for international understanding, co-operation and peace. This study was submitted to the Executive Board which decided, at its 89th session, to include the question in the provisional agenda of the seventeenth session of the General Conference. This preliminary study, with a summary of relevant discussions in the Programme and External Relations Commission of the Executive Board, was subsequently submitted to the seventeenth session of the General Conference.<sup>100</sup> The Conference decided that a draft recommendation, which would also cover education in the field of human rights and fundamental freedoms, should be submitted to it at its eighteenth session.<sup>101</sup>

(d) *Others*

During the period being reviewed, the Secretariat continued to examine complaints lodged with the Organization regarding human rights but it was found in each of the cases examined that there were no grounds for originating the procedure laid down by the 77th session of the Executive Board for handling communications addressed to UNESCO in connexion with individual cases alleging a violation of human rights in education, science and culture.<sup>102</sup>

## 7. LEGAL STATUS OF OCEAN DATA ACQUISITION SYSTEMS (ODAS)

A Preparatory Conference of Governmental Experts to Formulate a Draft Convention on the Legal Status of Ocean Data Acquisition Systems (ODAS), convened jointly by UNESCO and the Inter-Governmental Maritime Consultative Organization (IMCO), met at UNESCO Headquarters from 31 January to 11 February 1972.

In a resolution, the Conference referred to its inability to discuss in their entirety the many problems connected with the deployment of ODAS, including the Technical Annexes of the Preliminary Draft Convention, jurisdictional questions and questions relating to private law matters including civil liability of owners and operators of registered ODAS and related issues of public law and recommended to UNESCO and IMCO to convene a second session of the Conference.<sup>103</sup> The second session will be convened most probably after the United Nations Law of the Sea Conference has completed its deliberations.

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## 4. INTERNATIONAL CIVIL AVIATION ORGANIZATION

### 1. SETTLEMENT OF DISPUTES BETWEEN CONTRACTING STATES PAKISTAN VERSUS INDIA<sup>104</sup>

On 5 June, the President informed the Council that he had received requests from India that consideration of the complaint and disagreement filed by Pakistan under the

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<sup>100</sup> Doc. 17C/19, 7 August 1972, 2 p. and Annexes.

<sup>101</sup> 17C/Res. 1.222, 17 November 1972.

<sup>102</sup> 77EX/Decision 8.3, October-November 1967.

<sup>103</sup> See Document SC-72/CONF.85/8, 30 March 1972, 19 p. and Annexes.

<sup>104</sup> See Annual Report of the Council to the Assembly for 1972—Doc 9046, p. 86.

Rules for the Settlement of Differences (Doc 7782) should be postponed until the International Court of Justice had completed consideration of India's appeal against the Council's decision of 29 July 1971 that it had jurisdiction to consider the complaint and disagreement. The Council acceded to the requests and it was understood that the subject would not return to the work programme until the International Court had given its decision. The Court rendered its judgement on 18 August 1972 (*Appeal Relating to the Jurisdiction of the ICAO Council, Judgment*, I.C.J. Reports 1972, p. 46).<sup>105</sup> The Court held, *inter alia*, that the ICAO Council was competent to entertain the application and complaint laid before the Council by the Government of Pakistan on 3 March 1971; and, in consequence, rejected the appeal made to the Court by the Government of India against the decision of the Council assuming jurisdiction in those cases. On 28 August 1972, the Government of India filed its counter-memorial with the Organization. On 15 November, the President informed the Council that the application and complaint of Pakistan against India would not be considered at the then current session of the Council, both parties having agreed to deferment until the next session.

2. REQUEST PRESENTED BY ISRAEL UNDER ARTICLES 54 (n) AND 55 (e)  
OF THE CONVENTION ON INTERNATIONAL CIVIL AVIATION<sup>106</sup>

Following an armed attack incident at Lod Airport on 30 May, the Government of Israel, on 1 June, requested the Council to take certain action in pursuance of Articles 54 (n) and 55 (e) of the Convention on International Civil Aviation.<sup>107</sup> On 19 June, after the Council had adopted a resolution relating to unlawful interference with international civil aviation, the Government of Israel withdrew its request.

3. PROPOSED CONVENTION ON THE INTERNATIONAL COMBINED TRANSPORT  
OF GOODS: IMPLICATIONS FOR INTERNATIONAL CIVIL AVIATION<sup>108</sup>

The question of the implications for international civil aviation of the Proposed Convention on the International Combined Transport of Goods was considered by a Subcommittee of the Legal Committee in February and by the Legal Committee at its nineteenth session in May. On 28 June, the Council decided that the Legal Committee's report on the subject should be transmitted to the Economic Commission for Europe, the Inter-Governmental Maritime Consultative Organization and the Economic and Social Council as constituting a record of the discussions in the Committee on the subject, but not the "official position" of ICAO, and that a letter should be sent to Contracting States drawing their attention to the Legal Committee's report in connexion with the UN/IMCO Conference on International Container Traffic to be held in November 1972.

4. QUESTION OF THE REVISION OF THE WARSAW CONVENTION OF 1929 AS  
AMENDED BY THE HAGUE PROTOCOL OF 1955: (a) CARGO; (b) MAIL;  
(c) AUTOMATIC INSURANCE<sup>109</sup>

A subcommittee on the above-mentioned subject was established by the nineteenth session of the Legal Committee in May. It met in Montreal from 20 September to 4 October.

<sup>105</sup> For a summary of the judgement, see p. 203 of this *Yearbook*.

<sup>106</sup> See Annual Report of the Council to the Assembly for 1972, Doc 9046, p. 86.

<sup>107</sup> United Nations, *Treaty Series*, vol. 15, p. 295.

<sup>108</sup> See Annual Report of the Council to the Assembly for 1972, Doc 9046, p. 87.

<sup>109</sup> *Ibid.*

The Subcommittee reached a substantial measure of agreement on some questions and an appreciable measure of agreement on others. However, it did not take decisions on certain questions, due to the absence of information from States and the lack of economic data. It considered that its report should be placed before the Legal Committee for further action.

#### 5. SONIC BOOM <sup>110</sup>

On 28 June, when considering the report of the first meeting of the Sonic Boom Committee, the Council requested the Legal Committee to consider as soon as possible the question of the applicability of Article 1 (1) of the Rome Convention on Damage Caused by Foreign Aircraft to Third Parties on the Surface (1952). <sup>111</sup>

#### 6. THE COUNCIL RESOLUTION OF 19 JUNE 1972—JOINT ACTION <sup>112</sup>

On 19 June, the Council adopted a resolution in which, *inter alia*, it directed the Legal Committee to convene immediately a special subcommittee to work on the preparation of an international convention to establish appropriate multilateral procedures within the ICAO framework for determining whether there was a need for joint action in cases envisaged in the first resolution adopted by the Council on 1 October 1970 and for deciding on the nature of joint action if it was to be taken. At the same time, it urged States to become parties as soon as possible to the Tokyo, <sup>113</sup> Hague <sup>114</sup> and Montreal <sup>115</sup> Conventions, and, in the interim, prior to their becoming parties to these Conventions, to observe to the maximum extent possible under their national laws the provisions of the Conventions.

The special subcommittee of the Legal Committee met at Washington from 4 to 15 September to consider the question of the Council Resolution, and drew up a report. On 1 November, the Council decided to convene a special session of the Legal Committee in January 1973 in Montreal to work on the report of the subcommittee and it also provided for the convening of a diplomatic conference on air security in August-September 1973.

#### 7. COMMITTEE ON UNLAWFUL INTERFERENCE <sup>116</sup>

The Committee on Unlawful Interference with International Civil Aviation and its Facilities, established by the Council on 10 April 1969, held one meeting during the year, and its continuance for another year with a membership of eleven was agreed by the Council on 28 September.

On 10 February, the Council adopted a draft resolution developed by the Committee in 1971, urging States to refrain from any act likely to interfere with the passage of aircraft engaged in international civil air transport or the liberty of their passengers and crew when such aircraft, passengers and crew comply with the provisions of the Chicago Convention and its Annexes and national laws and published regulations.

<sup>110</sup> See Annual Report of the Council to the Assembly for 1972—Doc 9046, p. 87.

<sup>111</sup> United Nations, *Treaty Series*, vol. 310, p. 181.

<sup>112</sup> See Annual Report of the Council to the Assembly for 1972—Doc 9046, p. 87.

<sup>113</sup> Convention on Offences and Certain Other Acts Committed on Board Aircraft (Tokyo, 1963). Reproduced in the *Juridical Yearbook*, 1963, p. 136.

<sup>114</sup> Convention for the Suppression of Unlawful Seizure of Aircraft (The Hague, 1970). *Ibid.*, 1970, p. 131.

<sup>115</sup> Convention for the Suppression of Unlawful Acts Against the Safety of Civil Aviation (Montreal, 1971). *Ibid.*, 1971, p. 143.

<sup>116</sup> See Annual Report of the Council to the Assembly for 1972—Doc 9046, p. 87.

8. ANNEXES TO THE CONVENTION ON INTERNATIONAL CIVIL AVIATION,  
PROCEDURES FOR AIR NAVIGATION SERVICES (PANS), REGIONAL  
SUPPLEMENTARY PROCEDURES (SUPPS)

See "ICAO Technical Publications, Current Edition" which is published in the *ICAO Bulletin*.

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5. INTERNATIONAL BANK FOR RECONSTRUCTION  
AND DEVELOPMENT

CREATION OF THE INTERNATIONAL CROPS RESEARCH INSTITUTE FOR THE  
SEMI-ARID TROPICS (ICRISAT)

1. A group of governments and organizations,<sup>117</sup> called the Consultative Group on International Agricultural Research hereafter referred to as the Consultative Group, was formed in January 1971 for the purpose of sponsoring research programmes designed to raise the quantity and quality of agricultural products in developing countries.

In December 1971, the Consultative Group requested the Ford Foundation to act as its agent and assist in establishing an International Crops Research Institute for the Semi-Arid Tropics (ICRISAT). Certain members of the Consultative Group agreed to make contributions to finance part of the expenditures to be incurred by the Ford Foundation in carrying out this task. At the same time the International Bank for Reconstruction and Development (the Bank) was requested by the Consultative Group to administer a special account consisting of the contributions of donors.

On 22 February 1972, these arrangements were formalized in a Memorandum of Understanding whereby four initial donors, namely the United Kingdom of Great Britain and Northern Ireland, the United States, the Bank and the United Nations Development Programme agreed each to contribute \$100,000 to the venture.<sup>118</sup> Appended to this Memorandum of Understanding is an ICRISAT Special Account Agreement between the Bank and the Ford Foundation which provides for the setting up of a special account and sets forth the conditions upon which the proceeds of the donors' contributions are to be made available to the Ford Foundation.

2. Discussions between the Ford Foundation and the Government of India in whose territories it was proposed to locate ICRISAT's headquarters led to the conclusion on 28 March 1972 of a Memorandum of Agreement. This Agreement provides that the parties thereto will work together toward the establishment of ICRISAT "with suitable governance, legal charter, with appropriate status, authorities, privileges and other conditions necessary to enable it to operate effectively and efficiently toward the attainment of its objectives when provided the requisite financial support". Article 6 of the Agreement refers to the international status of the Institute and the privileges and immunities that it and its staff are to enjoy in India.

On 5 July 1972, this Agreement was made part of the Constitution of the International Crops Research Institute for the Semi-Arid Tropics (ICRISAT) whereby the Food and

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<sup>117</sup> The list of the members of the Consultative Group appears as Appendix 1 to the Constitution of ICRISAT.

<sup>118</sup> Subsequent donors include the Federal Republic of Germany, the International Development Research Centre of Canada, Norway, Sweden and Switzerland. As of 28 February 1973, their respective contributions aggregated 1,450,000 dollars.

Agriculture Organization of the United Nations (FAO) and the Bank established ICRISAT "as an autonomous, international, philanthropic, non-profit, research, educational, development training institute".<sup>119</sup> On the same day, the Government of India informed both FAO and the Bank that it agreed "to the establishment of ICRISAT as created under the Constitution".

#### INTERNATIONAL CENTRE FOR SETTLEMENT OF INVESTMENT DISPUTES (ICSID)

##### *Signatures and Ratifications of the Convention for the Settlement of Investment Disputes between States and Nationals of other States*

In the course of 1972, the Convention for the Settlement of Investment Disputes between States and Nationals of other States<sup>120</sup> (hereinafter referred to as the Convention) was signed and ratified by the Arab Republic of Egypt and by Jordan. As of 31 December 1972, 68 States had signed the Convention and 64 States had deposited their instruments of ratification.

##### *Liaison with Contracting States*

The Secretary-General was in contact with the authorities of a number of Contracting States, both capital exporting and capital importing, with regard to potential use of the procedures of the Convention. As a result of these contacts the investment guarantee institutions of several Contracting States began to draw the attention of investors to the existence of the Centre. The Secretary-General also participated in meetings organized by the Development Assistance Committee of the Organisation for Economic Co-operation and Development (OECD) dealing with questions of private foreign investment.

##### *Submissions to the jurisdiction of the Centre*

The Centre continued to receive information from States and investors with respect to the conclusion of agreements in which ICSID clauses are incorporated. Since the Convention does not require the parties to such agreements to inform the Centre thereof before an actual request for conciliation or arbitration is submitted, the Centre has no statistical information as to the extent to which ICSID clauses have been used. Nevertheless, the Secretariat believes that such clauses are being used increasingly, especially in connexion with major investments. Specific enquiries have also been addressed to the Centre relating to the formulation of agreements to submit actual or potential disputes to the jurisdiction of the Centre. In most of these cases, the set of Model Clauses<sup>121</sup> which was prepared by the Secretariat some years ago continued to be of assistance to the parties. However, further consultations with the Secretariat have taken place in connexion with more complicated agreements. The Centre was able to satisfy the needs of both Govern-

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<sup>119</sup> The full text of the relevant article (Article I) reads as follows:

##### *"Legal Status*

"1. The Institute is hereby established as an autonomous, international, philanthropic, non-profit, research, educational, development and training institute.

"2. The Institute shall possess full juridical personality. The signatories to this Constitution [The Food and Agriculture Organization of the United Nations and the International Bank for Reconstruction and Development] and the members of the Consultative Group on International Agricultural Research shall not be responsible or liable, individually or collectively, for any debts, liabilities or other obligations of the Institute."

<sup>120</sup> Reproduced in the *Juridical Yearbook*, 1966, p. 196.

<sup>121</sup> Document ICSID/5.

ments and investors in this respect thanks to the flexibility of the Convention with respect to its jurisdictional requirements. While some bilateral treaties for the protection and promotion of foreign investments already refer to the Centre's jurisdiction, further consultations have taken place between interested Governments and the Centre. The set of Model Clauses<sup>122</sup> prepared by the Centre for use in such treaties has been distributed to the States concerned.

#### *Arbitration Proceedings*

On 13 January 1972 the Secretary-General registered the first request for arbitration pursuant to Article 36 of the Convention. The request concerned a dispute arising out of an agreement between the Government of Morocco and two private companies, Holiday Inns S.A. (a Swiss company) and Occidental Petroleum Inc. (a U.S. corporation). The Arbitral Tribunal was constituted on 29 March 1972, and held its opening session on 20 April 1972. As agreed by the parties pursuant to Article 63 of the Convention, the session was held at the seat of the Permanent Court of Arbitration at The Hague, with which the Centre had made general arrangements for mutual co-operation.<sup>123</sup> The President of the Tribunal is Judge Sture Petré (Swedish) and the other two members are Sir John Foster (British) and Professor Paul Reuter (French). In accordance with the agreement between the parties, each side designated one arbitrator and the two arbitrators so designated selected the President of the Tribunal. The arbitrators designated by the parties were selected from the Panel of Arbitrators maintained by the Centre. The proceedings are still pending.

#### *Project on Investment Laws and Treaties*

During 1972, the Centre made substantial progress with the project for the collection, classification and dissemination of the contents of national legislation and international agreements relating to foreign investments. The Centre made arrangements for the publication of this material in a loose-leaf service to be supplemented and brought up-to-date periodically. The first volume which has been published contains materials relating to ten countries. This service entitled "Investment Laws of the World" deals on a country-by-country basis with the laws affecting investment, and consists of a compilation of constitutional, legislative, regulatory and treaty materials. These materials have been prepared and coded in such a way as to provide for uniformity of treatment of the countries covered in the publication, and are presented in both French and English, the official languages of the Centre. The publication has been initially limited to fifty developing countries that are parties to the Convention.

#### *Designations of Panel Members and Other Actions by Contracting States Pursuant to the Convention*

Pursuant to Article 13 (1) of the Convention, each Contracting State has the right to designate up to four persons to serve on each of the two Panels maintained by the Centre. As of 31 December 1972, thirty-three States had exercised this right and the names of 118 persons appeared on the Panel of Conciliators and 125 on the Panel of Arbitrators.

No Contracting State has made a notification to the Centre under Article 25 (4) of the Convention (concerning the class or classes of disputes which it would or would not consider submitting to the jurisdiction of the Centre). There have been a few designations under Articles 25 (1) and (3) (constituent subdivisions or governmental agencies empowered

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<sup>122</sup> Document ICSID/6.

<sup>123</sup> The text of which is set forth in Annex 7 to the Second Annual Report.

to consent to the jurisdiction of the Centre). In 1972 there have been no further designations under Article 54 (2) (competent court or other authority to which requests for the recognition or enforcement of arbitral awards rendered pursuant to the Convention are to be furnished). Twenty-three States have already notified the Centre of such designations.

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## 6. INTERNATIONAL MONETARY FUND

The legal activities of the International Monetary Fund cover the diverse activities of the Fund as an international regulatory agency which administers a code of obligations binding on its members in monetary matters, and as an international financial agency which administers resources, and supervises the operation of special drawing rights, the new supplement to reserve assets that the Fund allocates to participants in the scheme. During 1972, the legal work of the Fund reflected, in particular, the disturbances in the exchange markets and the reform of the international monetary system.

### REFORM OF THE INTERNATIONAL MONETARY SYSTEM AND ORGANIZATION

During the past year the legal staff collaborated in the report of the Executive Directors on the improvement or reform of the international monetary system,<sup>124</sup> and the Board of Governors resolution establishing a Committee of twenty members to examine reform of the international monetary system<sup>125</sup> and related issues. The Committee of 20 is a Committee of the Board of Governors appointed by the members of the Fund that appoint executive directors and the groups of members that elect executive directors. There was also established at the same time the Deputies composed of deputies appointed by the members of the Committee to prepare the work of the Committee.

The Executive Directors have been concerned with questions relating to the size and structure of the Executive Board, such as the consequences of the potential membership of small states, geographical and other patterns of distribution, and basic votes under Article XII, Section 5 (a).

### EXCHANGE RATES

Following the suspension on August 15, 1971 of the convertibility of the U.S. dollar into gold and other reserve assets, an agreement was reached on 18 December 1971 among members on the realignment of currencies, and the Fund adopted a decision<sup>126</sup> providing for a temporary régime under which members could permit their exchange rates against their intervention currencies to move within margins of 2½ per cent on either side of the parity relationship, calculated on the basis of par values or central rates communicated to the Fund. The decision indicated the practices that members could follow consistently with their obligations to collaborate with the Fund under Article IV, Section 4 (a) of the Articles of Agreement<sup>127</sup> to promote exchange stability and to maintain orderly exchange arrangements.

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<sup>124</sup> *Reform of the International Monetary System: A Report by the Executive Directors to the Board of Governors*, Washington, D.C., International Monetary Fund, 1972.

<sup>125</sup> *Selected Decisions of the International Monetary Fund*, Sixth Issue, 30 September 1972, pp. 151-154.

<sup>126</sup> Central Rates and Wider Margins: A Temporary Regime, *Selected Decisions . . . op. cit.*, pp. 12-15.

<sup>127</sup> United Nations, *Treaty Series*, vol. 2, p. 39.



## GENERAL ACCOUNT

The resources for the financial activities of the Fund, held in the General Account, are made available to members for temporary assistance in coping with balance of payments difficulties. These resources were normally made available on the basis of par values. The disruption of the international monetary system posed problems for the functioning of the General Account and necessitated the determination of appropriate exchange rates for the Fund's transactions in currencies, as reflected in the realigned exchange rates.<sup>128</sup>

## SPECIAL DRAWING ACCOUNT

In 1969, the Fund's Articles of Agreement were amended<sup>129</sup> to provide for special drawing rights as a supplement to existing reserve assets. All operations and transactions in special drawing rights are conducted through the Special Drawing Account. The original operations and transactions of the Fund, together with certain new ones are conducted through what is called the General Account as a result of the amendment. Decisions to allocate special drawing rights are made for "basic periods", normally five years, but the first decision to allocate was for a basic period of 3 years. This period ended 31 December 1972. The Managing Director of the Fund is empowered to make a proposal in specified circumstances for the allocation or cancellation of special drawing rights, after ascertaining, through consultations with members, that there is broad support among participants for a proposal. At the end of the first basic period, the Managing Director ascertained that there was no proposal consistent with the Articles that had broad support among participants for allocation during the second basic period which began 1 January 1973. During 1972, the rules for the reconstitution of special drawing rights were amended in certain minor respects and a review of the rules for designation was undertaken. It was decided not to adopt any new rules for designation.

## CONSULTATIONS WITH MEMBER COUNTRIES

Under Article XIV of the Fund's Articles of agreement, members are required to consult with the Fund on the retention of restrictions on payments and transfers for current international transactions. The decisions concluding these consultations include the Fund's comments on a member's economic situation, policies and prospects. The consultations also facilitate action by the Fund on proposed changes in par values or exchange practices. The consultation procedure has been extended by agreement between the Fund and its members to members that have undertaken to maintain the convertibility of their currencies under Article VIII.

## INTERPRETATION

Article XVIII provides that the Fund shall have the power to interpret its own Articles authoritatively. The power is exercised through the Executive Directors, a Committee of the Board of Governors, and the Board of Governors itself. The Fund has adopted only a small number of interpretations under Article XVIII. Most decisions of an interpretation on character are taken informally, that is to say, without recourse to Article XVIII. Certain basic decisions which the Executive Directors have taken over the course of time are to be found in selected decisions of the International Monetary Fund and selected documents.<sup>130</sup>

<sup>128</sup> *Selected Decisions . . . , op. cit.*, pp. 17-19.

<sup>129</sup> United Nations, *Treaty Series*, vol. 726, p. 266.

<sup>130</sup> See footnote 125 above.

## TRAINING AND TECHNICAL ASSISTANCE

The legal staff of the Fund participates in the training and technical assistance facilities provided to members to help them in their formulation and execution of economic policies. The IMF Institute conducts courses for the training of officials of member countries in financial analysis and policy, including the Fund's policies and procedures, balance of payments methodology, and public finance.

Technical assistance is provided on central banking legislative problems and policies, and on various legislative aspects of public finance in the field of taxation.

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## 7. UNIVERSAL POSTAL UNION <sup>131</sup>

### 1. DECISIONS TAKEN BY THE EXECUTIVE COUNCIL AT ITS MAY 1972 SESSION

The Executive Council adopted, with effect from 1 January 1973:

The International Bureau Staff Regulations, which replaces the Regulations of the International Bureau of the UPU of 20 December 1963 (Decision CE 27).

The Relief Fund for the Staff of the International Bureau (Decision CE 32).

UPU Financial Regulations (Decision CE 44).

### 2. PROBLEMS UNDER CONSIDERATION IN THE EXECUTIVE COUNCIL

#### (a) *General questions*

#### *Possibilities of extension and development of relations between the UPU and the Restricted Unions*

Resolution CE 5 was adopted by the Executive Council on this matter; the operative part of the resolution reads as follows:

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<sup>131</sup> The activities of the Universal Postal Union are in general regulated by treaties concluded between the Governments of the Member Countries, which are supplemented by Detailed Regulations adopted by their postal Administrations (called Acts of the Union). This function is entrusted to the Congress.

Operational activities (particularly technical co-operation between the postal Administrations) are carried on under the authority of resolutions adopted by the various competent bodies. Regulatory activities are also carried out by subordinate bodies, in particular the Executive Council and the International Bureau, within the purview of the jurisdiction given them by the Congress.

The UPU Congress is the highest legislative authority. Its main function is to adopt (revise) the Acts of the Union which regulate the organization and operations of the UPU and international postal services.

The *Executive Council*, an essentially administrative body, also exercises some juridical functions. It has the authority to make decisions affecting the matters which come within its jurisdiction. It also deals with various legal problems and, as necessary, submits proposals to the Congress, which decides on the action to be taken (amendment of the Acts, adoption of a resolution). It has authority to take part in the procedure of amending the Acts of the Union in the intervals between Congresses.

The *Consultative Council for Postal Studies* also has authority to submit to the Congress proposals affecting the matters entrusted to it. These proposals generally concern the operation of the international postal service and are submitted either by the Consultative Council for Postal Services itself, or after consultation with the Executive Council in the case of matters coming within the jurisdiction of the latter.

The *International Bureau* performs various kinds of juridical functions. It generally plays a leading role in the preparation of legal studies which are submitted to the Congress or to the Executive Council. It gives opinions on matters in dispute and others submitted to it by the Administrations. As the need arises, it functions as sole arbiter in disputes between the postal Administrations. It co-operates with the Swiss Confederation with regard to the admission of new Member Countries, the approval of Acts of the Union and the processing of reservations to Acts of the Union.

*“The Executive Council . . .*

*“Desires that ever fuller and more fruitful co-operation should develop between the UPU and the Restricted Unions,*

*“Authorizes the International Bureau to take any steps to this end which the Union’s Acts and budgetary decisions allow it, and*

*“Instructs the International Bureau to consider, for the next session of the Executive Council and in co-operation with the Restricted Unions concerned, the elements which could serve in the eventual preparation of a model framework to govern the relations in question or the preparation of a draft resolution for the 17th Congress.”*

#### *Amendment of Articles 1, 3, 13 and 30 of the Constitution*

By its decision CE 18, the Executive Council considered that an amendment of the Constitution as intended by the proposals submitted to the Tokyo Congress<sup>132</sup> did not correspond to a real necessity and decided to leave these proposals in abeyance in the event that a general revision of the Constitution should be contemplated.

#### *(b) Staff questions*

##### *Legal position of the Director-General of the International Bureau*

By its decision CE 28, the Executive Council instructed the International Bureau to make a study of this question.

##### *Procedure for the appointment of the Deputy Director-General*

The Executive Council instructed the International Bureau to submit in 1973 a purely documentary study on the procedure for the appointment and the duration of the mandate of the Secretary-General (Director-General) and the Deputy Secretary-General (Deputy Director-General) in the other specialized agencies.<sup>133</sup>

##### *Representation of staff*

Resolution CE 10 was adopted by the Executive Council on this matter.

#### *(c) Postal questions*

##### *Official correspondence of diplomatic missions, consulates and international organizations*

The consultation opened by circular letter 240 of 14 January 1972 showed that official correspondence and diplomatic or consular bags circulate in the postal service and that a majority of Administrations would agree to this traffic being subject to regulations. However, it also showed that these “bags” do not always comply with the conditions for admission specified in the Acts, especially as regards weight and payment of postage. It was therefore agreed that the proposed special treatment could clearly only apply to items fulfilling the conditions for admission of one of the existing categories (letters, parcels or insured items). The Committee asked Austria and the International Bureau to submit draft proposals for regulating the conveyance of these items in the Convention, the Insured Articles Agreement and the Parcels Agreement.

<sup>132</sup> See *Proceedings of the 1969 Tokyo Congress*, Vol. I, Proposals submitted to the Congress.

<sup>133</sup> Since this study is closely linked with the study on the legal position of the Director-General of the International Bureau, it will be included in the latter.

### 3. LEGAL ACTIVITIES OF THE INTERNATIONAL BUREAU

In accordance with the 1969 Tokyo UPU General Regulations, Article 111, paragraph 2, the International Bureau was called upon to give opinions on the following matters in dispute: special transit statistics, non-acceptance of an air-mail account and conversion rate for a debt expressed in gold francs. In addition, the International Bureau gave opinions on other matters as follows: interpretation of the Convention, Article 17, paragraph 9; interpretation of the Convention, Article 17, paragraph 8, first sentence; charge for delivery of small packets to the addressee's address; the charge applicable to photocopies of a typewritten original; and individual entry of insured parcels on simplified parcel bills.<sup>134</sup>

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## 8. INTER-GOVERNMENTAL MARITIME CONSULTATIVE ORGANIZATION

### 1. AMENDMENT PROCEDURES

Pursuant to IMCO Assembly Resolution A.249 (VII) requesting the Legal Committee and the Maritime Safety Committee to prepare proposals for accelerating the bringing into force of amendments to conventions for which IMCO is depositary, the Legal Committee and the Maritime Safety Committee of IMCO have concluded their consideration of the subject. The conclusions of the Committees will be submitted to the Assembly of IMCO at its eighth regular session to be held in November 1973. In particular, the Legal Committee prepared Draft Provisions on Tacit Amendment Procedure, which are contained in Annex I of its report on its sixteenth session (LEG XVI/7).

### 2. EXTENSION OF THE 1969 CONVENTION RELATING TO INTERVENTION ON THE HIGH SEAS IN CASES OF OIL POLLUTION CASUALTIES<sup>135</sup> TO COVER NOXIOUS AND HAZARDOUS SUBSTANCES OTHER THAN OIL

Following the Council's decision to include consideration of an instrument on this subject in the agenda of the 1973 IMCO Conference on Marine Pollution, the Legal Committee devoted a substantial part of the time of its sixteenth and seventeenth sessions to the preparation of a draft. The Committee prepared a draft protocol which, together with explanatory notes and alternative suggestions, has been submitted to governments for their consideration prior to its consideration by the IMCO Diplomatic Conference on Marine Pollution to be held in October-November 1973. The text of the draft protocol is contained in Annex II of the report of the Legal Committee on its sixteenth session (LEG XVI/7).

### 3. LEGAL QUESTIONS RELATED TO WRECK REMOVAL—REVIEW OF THE CONVENTION RELATING TO THE LIMITATION OF LIABILITY OF OWNERS OF SEA-GOING SHIPS, 1957

The Legal Committee considered these subjects during its twelfth and thirteenth sessions, with a view to preparing a draft convention for submission to a diplomatic conference scheduled for 1974.

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<sup>134</sup> For a summary of these opinions, see the *Report on the Work of the Union, 1972*, page 88 *et seq.*

<sup>135</sup> Reproduced in the *Juridical Yearbook, 1969*, p. 166.

#### 4. CONVENTIONS ADOPTED UNDER THE AUSPICES OF IMCO

##### (a) *International Regulations for Preventing Collisions at Sea, 1972*

A Conference convened by IMCO in October 1972 concluded a new Convention revising the International Regulations for Preventing Collisions at Sea, at present in force. The revised Regulations which take account of current technical developments, regulate the navigation of ships in or through separation schemes and are a significant improvement on the existing rules.

An amendment procedure has been included in the Convention whereby the Regulations will be kept up-to-date as necessary. The Conference recommended that all contracting Governments (including those which are not Members of IMCO) should participate in the process of consideration and adoption of amendments. The Convention is deposited with IMCO.

##### (b) *International Convention on Safe Transport Containers*

The UN/IMCO Conference on International Container Traffic was held at Geneva from 13 November to 2 December 1972; its successful completion and, in particular, its adoption of the International Convention for Safe Containers (CSC) on 2 December 1972 brought to fruition IMCO's preparatory work on the technical and safety aspects of containerization. The Convention seeks to maintain a high level of safety of human life in the transport and handling of containers while facilitating their international movement. The Convention is deposited with the Organization, where it will remain open for signature until 31 December 1973. It will enter into force 12 months after ten Governments have accepted it.

The Convention provides that all Contracting Governments (including those which are not Members of IMCO) should participate in the process of consideration and adoption of amendments and the Conference adopted a resolution inviting the competent organs of IMCO to take all necessary and appropriate steps to implement this provision.

The Conference, in addition, adopted the Customs Convention on Containers, 1972.

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#### 9. INTERNATIONAL ATOMIC ENERGY AGENCY

##### 1. STATUTE AND MEMBERSHIP OF THE AGENCY: ACTION TAKEN BY STATES IN CONNEXION WITH THE STATUTE (INFCIRC/48/REV.8)

(a) The Agency's membership at the end of 1972 stood at 103, Bangladesh having become a Member of the International Atomic Energy Agency by depositing an Instrument of Acceptance of the Agency's Statute with the depositary Government (United States of America) on 27 September 1972.

(b) The official designation of "Ceylon" was changed to "Sri Lanka" with effect from 21 September 1972.

(c) By 31 December 1972, 57 of the 103 Member States of the Agency had accepted the amendment to Article VI.A—D of the Statute of the Agency. This amendment was approved by the General Conference of the IAEA on 28 September 1970 by Resolution GC(XIV) RES/272.<sup>136</sup> It will enter into force when it has been accepted by two-thirds

<sup>136</sup> Reproduced in the *Juridical Yearbook*, 1970, p. 135.

of the Members in accordance with their respective constitutional requirements, as provided for by Article XVIII.C. (ii) of the Statute. The amendment will increase the size of the Board by about one third and will provide for more ample representation of the developing Member States.

## 2. LEGAL ACTIVITIES

(a) By 31 December 1972, 98 States had signed, and 77 States had ratified or acceded to the Treaty on the Non-Proliferation of Nuclear Weapons.<sup>137</sup> The Board of Governors of the Agency had, by that date, approved agreements with thirty of the seventy-four non-nuclear-weapon States that had, by then, become party to the Non-Proliferation Treaty; these agreements cover nearly all the non-nuclear-weapon States party to the Treaty that at present have significant nuclear activities or quantities of nuclear material. The Board of Governors has also approved an agreement with EURATOM and the five members of EURATOM that have signed the Treaty (Belgium, the Federal Republic of Germany, Italy, Luxembourg and the Netherlands), as well as two agreements with the Netherlands with respect to the Netherlands Antilles and Surinam, which also cover the Netherlands' obligation under Additional Protocol I to the Treaty for the Prohibition of Nuclear Weapons in Latin America.<sup>138</sup>

(b) On 21 June 1972, the Board of Governors of the Agency adopted guidelines for the observation by the Agency of nuclear explosions for peaceful purposes under the Non-Proliferation Treaty or under analogous provisions in other international agreements (INFCIRC/169). This procedure is provided to ensure that obligations undertaken by the States concerned are not violated.

(c) On 31 December 1972, the Treaty for the Prohibition of Nuclear Weapons in Latin America (the Tlatelolco Treaty) which, in its Article 13, provides for the application of Agency safeguards, was in force between twenty States, of which three had concluded the required safeguards agreement with the Agency. Two non-Latin-American States had ratified the Additional Protocol I to the Treaty with respect to territories under their responsibility in the region. For States parties both to the Tlatelolco Treaty and to the Non-Proliferation Treaty, safeguards will be applied under a single set of comprehensive arrangements which will satisfy the requirements of both treaties.

(d) Consultations have also taken place with the Governments of the United Kingdom of Great Britain and Northern Ireland and the United States of America in regard to their offers to place certain of their nuclear activities under safeguards.

(e) The Cooperation Agreement between the International Atomic Energy Agency and the Agency for the Prohibition of Nuclear Weapons in Latin America (OPANAL) was signed and entered into force on 3 October 1972 (INFCIRC/25/Add.4). The Agency has thus concluded agreements of this kind with the European Nuclear Energy Agency of the Organisation for Economic Co-operation and Development (NEA), the Inter-American Nuclear Energy Commission, the Organization of African Unity, the League of Arab States,<sup>139</sup> and with the Agency for the Prohibition of Nuclear Weapons in Latin America, as well as with eight organizations within the United Nations family.

(f) The most recent revision of the Agency's Regulations for the Safe Transport of Radioactive Materials<sup>140</sup> was approved in September 1972 by the Board of Governors

<sup>137</sup> *Ibid.*, 1968, p. 156.

<sup>138</sup> *Ibid.*, 1967, p. 272.

<sup>139</sup> The texts of these agreements are reproduced in INFCIRC/25 and Add.2 and 3.

<sup>140</sup> IAEA Safety Series No. 6, 1967 Edition.

as part of the Agency's safety standards and, also, for recommendation to Member States and appropriate international organizations as the basis for national and international regulations.<sup>141</sup> The Agency's revised Regulations took account of improved technical knowledge and the extensive experience gained in implementing them. The Regulations were first issued in 1961 and in a revised form in 1964 and 1967; the objective was to provide a practical and concise set of rules which would enable national regulations to be harmonized and thus facilitate the safe and speedy international transport of radioactive materials. The Agency's Regulations have been adopted by almost all international bodies dealing with transport and incorporated in the legislation of many countries.

(g) Guidelines recommended by a panel of experts for the physical protection of nuclear material against theft, loss, etc. during storage, use and transport were published in June 1972<sup>142</sup> for use by the Agency in providing advice to States in conjunction with the establishment of their national systems of nuclear material control.

(h) By 31 December 1972, twelve States had signed the Convention relating to Civil Liability in the Field of Maritime Carriage of Nuclear Material, the text of which was elaborated by a joint IAEA/IMCO/NEA International Diplomatic Conference held at Brussels in November/December 1971.<sup>143</sup> Its purpose is to ensure that if an incident occurs when nuclear material is being carried by sea, all liability will be channelled to the operator of the nuclear installation for damage arising therefrom and none to the carrier. Hitherto, the possibility of liability falling on the carrier has proved to be a serious obstacle in arranging for the shipment of nuclear material.

(i) The Conference was followed up by an Agency/NEA symposium on the maritime carriage of nuclear material, at Stockholm in June 1972, which discussed the technical and legal aspects of the problem and, particularly, techniques for packing and transporting nuclear material, the effect of changes in international and national regulations and the consequences of the legal situation created by the 1971 Brussels Convention.

(j) The Agency was represented at the Intergovernmental Conference convened in London in November 1972, which adopted a Convention on the Prevention of Maritime Pollution by Dumping of Wastes and Other Matters. The Convention was opened for signature by any State from 29 December 1972 until 31 December 1973 and thereafter is open for accession by any State. With respect to radioactive wastes, the Convention entrusts the Agency with the responsibilities of defining high-level radioactive waste or other high-level radioactive material as unsuitable for dumping at sea, and of recommending criteria and conditions for the issue of special permits for the dumping of other radioactive wastes or other radioactive material. Such responsibilities fall within the purview of a decision by which the Agency's Board of Governors decided in March 1972 that with respect to the elaboration of safety standards concerning the dispersion into the environment of radioactive waste resulting from the peaceful use of nuclear energy, the organs of the United Nations, specialized agencies and other international organizations concerned and competent should closely collaborate, with the Agency taking the leading role. (GOV/DEC/71 (XV), decision (26).)

(k) An Agency/FAO/WHO group on the legal aspects of food irradiation which met at Vienna from 20 to 24 March 1972 drew up recommendations regarding the principles to be applied in regulating the marketing of irradiated foodstuffs.

(l) Consultations were held between the Legal Divisions of the Agency and NEA with a view to promoting closer co-operation in connexion with the International Nuclear

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<sup>141</sup> GOV/DEC/73 (XV), decision (52).

<sup>142</sup> Recommendations for the Physical Protection of Nuclear Material, IAEA, 1972.

<sup>143</sup> Reproduced in this *Yearbook*, p. 100.

Information System (INIS) and, in particular, the inclusion in the System of information in the field of nuclear law.

(*m*) The Agency provided advice to Lebanon, Kuwait, Malaysia, Saudi Arabia and Sri Lanka in the framing of radiation safety regulations, and to Mexico on licensing regulations for nuclear power plants. Two lawyers from Bulgaria and Hungary were trained in the legal aspects of atomic energy at the Agency's Headquarters.

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