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UNITED NATIONS JURIDICAL YEARBOOK

1974

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

I. DISARMAMENT AND RELATED MATTERS

1. MEETINGS OF THE CONFERENCE OF THE COMMITTEE ON DISARMAMENT

During its two series of meetings in 1974, 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 the cessation of nuclear weapon tests. Effective measures relating to the early cessation of the nuclear arms race and to nuclear disarmament as well as general and complete disarmament were also considered. Informal meetings were held to discuss questions relating to the scope and verification of a prohibition of the development, production and stockpiling of chemical weapons. All aspects of the work of the Committee in 1974 are covered in its report to the General Assembly.¹

2. WORLD DISARMAMENT CONFERENCE

The *Ad Hoc* Committee on the World Disarmament Conference held 16 meetings in 1974 and submitted a report to the General Assembly in accordance with resolution 3183 (XXVIII) of 18 December 1973.² During its meetings, the Committee examined the views and suggestions expressed by Governments on the convening of a world disarmament conference and related problems.

By resolution 3260 (XXIX) of 9 December 1974, the General Assembly, *inter alia*, reiterated its conviction that all peoples of the world have a vital interest in the success of disarmament negotiations and that all States should be in a position to contribute to the adoption of measures towards that goal, stressed anew its belief that a world disarmament conference, adequately prepared and convened at an appropriate time, could promote the realization of such aims and requested the *Ad Hoc* Committee to reconvene in 1975.

3. NAPALM AND OTHER INCENDIARY WEAPONS AND ALL ASPECTS OF THEIR POSSIBLE USE

By resolution 3255 A (XXIX) of 9 December 1974, the General Assembly, after taking note of a report of the Secretary-General³ on the work done in the field under consideration by the Diplomatic Conference on the Reaffirmation and Development of International Humanitarian Law Applicable in Armed Conflicts (Geneva, 20 February–29 March 1974) as well as of a report—circulated informally—of the Conference of Governments Experts held under the

¹ A/9708-DC/237. For the printed text, see *Official Records of the General Assembly, Twenty-ninth Session, Supplement No. 27* (A/9627).

² *Official Records of the General Assembly, Twenty-ninth Session, Supplement No. 28* (A/9628). For other relevant documents, see *ibid.*, *Twenty-ninth Session, Annexes*, agenda item 34.

³ A/9726; for other relevant documents, see *Official Records of the General Assembly, Twenty-ninth Session, Annexes*, agenda item 27.

auspices of the International Committee of the Red Cross (Lucerne, 24 September–18 October 1974), *inter alia* noted that the work of these two conferences had resulted in the emergence of new valuable data and suggestions and proposals for possible restrictions on the use of certain conventional weapons and invited the Diplomatic Conference to continue its consideration of the question of the use of napalm and other incendiary weapons and its search for agreement on possible rules prohibiting or restricting the use of such weapons.

By resolution 3255 B (XXIX), also of 9 December 1974, the General Assembly, *inter alia*, condemned the use of napalm and other incendiary weapons in armed conflicts in circumstances where it might affect human beings or might cause damage to the environment and/or natural resources and urged all States to refrain from the production, stockpiling, proliferation and use of such weapons, pending the conclusion of agreements on their prohibition.

4. CHEMICAL AND BACTERIOLOGICAL (BIOLOGICAL) WEAPONS

In considering this item, the General Assembly had before it the report of the Conference of the Committee on Disarmament.⁴

By resolution 3256 (XXIX) of 9 December 1974, the General Assembly reaffirmed the objective of reaching agreement on the effective prohibition of the development, production and stockpiling of all chemical weapons and on their elimination from the arsenals of all States; urged all States to make every effort to facilitate such an agreement; and requested the Conference of the Committee on Disarmament to continue negotiations as a matter of high priority, bearing in mind existing proposals, with a view to reaching early agreement on effective measures for the prohibition of the development, production and stockpiling of all chemical weapons and for their destruction. Furthermore, the Assembly invited all States that had not yet done so to sign and ratify the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction;⁵ it also invited all States that had not yet done so to accede to or ratify the Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare, signed at Geneva on 17 June 1925,⁶ and called anew for the strict observance by all States of the principles and objectives contained therein.

5. URGENT NEED FOR CESSATION OF NUCLEAR AND THERMONUCLEAR TESTS AND CONCLUSION OF A TREATY DESIGNED TO ACHIEVE A COMPREHENSIVE TEST BAN

In considering this item, the General Assembly had before it the report of the Conference of the Committee on Disarmament.⁷

On 9 December 1974, the General Assembly adopted resolution 3257 (XXIX) by which it condemned all nuclear weapon tests, in whatever environment they might be conducted; reaffirmed its deep concern at the continuance of testing, in the atmosphere and underground, and at the lack of progress towards a comprehensive test ban agreement; called upon all States not yet parties to the Treaty Banning Nuclear Weapon Tests in the Atmosphere, in Outer Space and under Water⁸ to adhere to it forthwith; emphasized once more the urgency of concluding a comprehensive test ban agreement; reminded the nuclear-weapon States of their special responsibility to initiate proposals to that end; called upon all States to refrain from the testing of nuclear weapons, in any environment, pending conclusion of an agreement; and

⁴See foot-note 1 above. For other relevant documents, see *ibid.*, *Twenty-ninth Session, Annexes*, agenda item 28.

⁵Resolution 2826 (XXVI), Annex.

⁶League of Nations, *Treaty Series*, vol. XCIV, p. 65.

⁷See foot-note 1 above. For other relevant documents see *Official Records of the General Assembly, Twenty-ninth Session, Annexes*, agenda item 29.

⁸Reproduced in the *Juridical Yearbook*, 1963, p. 107.

requested the Conference of the Committee on Disarmament to give the highest priority to the conclusion of a comprehensive test ban agreement and to report to the General Assembly at its thirtieth session on the progress achieved.

6. IMPLEMENTATION OF GENERAL ASSEMBLY RESOLUTION 3079 (XXVIII) CONCERNING THE SIGNATURE AND RATIFICATION OF ADDITIONAL PROTOCOL II OF THE TREATY FOR THE PROHIBITION OF NUCLEAR WEAPONS IN LATIN AMERICA (TREATY OF TLAHELCO)⁹

In considering this item, the General Assembly had before it a report of the Secretary-General,¹⁰ which contained, *inter alia*, a communication of the Union of Soviet Socialist Republics stating the reasons why it could not sign the Protocol.

By resolution 3258 (XXIX) of 9 December 1974, the General Assembly reiterated its conviction that, for the maximum effectiveness of any treaty establishing a nuclear-weapon-free zone, the co-operation of the nuclear-weapon States was necessary. Further, the Assembly noted with satisfaction that Additional Protocol II of the Treaty for the Prohibition of Nuclear Weapons in Latin America had entered into force for the United Kingdom, the United States, France and China; it urged the Union of Soviet Socialist Republics to sign and ratify Additional Protocol II, as had been done by the other four nuclear-weapon States.

7. GENERAL AND COMPLETE DISARMAMENT

In considering this item, the General Assembly had before it the report of the Conference of the Committee on Disarmament.¹¹

By resolution 3261 A (XXIX) of 9 December 1974, the Assembly, *inter alia*, recalled that in resolution 2602 E (XXIV) of 16 December 1969 it had proclaimed the 1970s a Disarmament Decade and reaffirmed the purposes and objectives of the Disarmament Decade.

By resolution 3261 C (XXIX) of 9 December 1974, the General Assembly noted the statements made in the Assembly by the Secretary of State of the United States on 23 September 1974 and by the Minister for Foreign Affairs of the Union of Soviet Socialist Republics on 24 September 1974, and stated that it fully shared the deep concern reflected in those statements with regard to the gravity of the situation created by existing nuclear arsenals and the continued nuclear arms race. The Assembly urged the USSR and the United States to broaden the scope and accelerate the pace of their strategic arms limitation talks; stressed once again the urgency of reaching agreement on important qualitative limitations and substantial reductions of their strategic nuclear-weapon systems as a positive step towards nuclear disarmament; and invited the two countries to keep the Assembly informed of the results of their negotiations.

By resolution 3261 D (XXIX) of the same date, the General Assembly, *inter alia*, appealed to all States, in particular nuclear-weapon States, to exert concerted efforts in all the appropriate international forums with a view to working out effective measures to halt the nuclear arms race and to prevent the further proliferation of nuclear weapons; expressed the hope that the Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, to be held at Geneva in May 1975, would also give consideration to the role of peaceful nuclear explosions as provided for in the Treaty and would inform the Assembly at its thirtieth session of the results of its deliberations and invited the Union of Soviet Socialist

⁹Reproduced in the *Juridical Yearbook*, 1967, p. 284.

¹⁰A/9797. For other relevant documents, see *Official Records of the General Assembly, Twenty-ninth Session, Annexes*, agenda item 30.

¹¹See foot-note 1 above. For other relevant documents, see *ibid.*, *Twenty-ninth Session, Annexes*, agenda item 35.

Republics and the United States to provide the Review Conference with information on steps they had taken, or intended to take, for the conclusion of the special basic international agreement on nuclear explosions for peaceful purposes envisaged in article V of the Treaty.

By resolution 3261 G (XXIX) also of 9 December 1974, the General Assembly declared its firm support for the independence, territorial integrity and sovereignty of non-nuclear-weapon States; and recommended that Member States should consider in all appropriate forums, without loss of time, the question of strengthening the security of non-nuclear-weapon States.

8. IMPLEMENTATION OF GENERAL ASSEMBLY RESOLUTION 2286 (XXII) CONCERNING THE SIGNATURE AND RATIFICATION OF ADDITIONAL PROTOCOL I OF THE TREATY FOR THE PROHIBITION OF NUCLEAR WEAPONS IN LATIN AMERICA (TREATY OF TLATELOLCO)¹²

This item was included in the agenda of the twenty-ninth session of the General Assembly at the request of 18 Latin American States.¹³ In an explanatory memorandum the sponsors of the item referred, *inter alia*, to a resolution adopted on 8 March 1974 by the Agency for the Prohibition of Nuclear Weapons in Latin America, emphasizing the desirability of having the Assembly consider this question.

By resolution 3262 (XXIX) of 9 December 1974, the General Assembly, taking into account that certain territories which were not sovereign political entities lay within the Latin American nuclear-weapon-free zone and were in a position to receive the benefits of the Treaty for the Prohibition of Nuclear Weapons in Latin America (Treaty of Tlatelolco) through its Additional Protocol I to which the States responsible for those territories could become parties, noted with satisfaction that the United Kingdom and the Netherlands had ratified that Protocol; urged the other two States which under the Treaty might become parties to Additional Protocol I to sign and ratify it as soon as possible.

9. PROHIBITION OF ACTION TO INFLUENCE THE ENVIRONMENT AND CLIMATE FOR MILITARY AND OTHER PURPOSES INCOMPATIBLE WITH THE MAINTENANCE OF INTERNATIONAL SECURITY, HUMAN WELL-BEING AND HEALTH

This item was included in the agenda of the twenty-ninth session of the General Assembly at the request of the Union of Soviet Socialist Republics.¹⁴ In an explanatory memorandum, the USSR drew attention to the danger that the achievements of science and technology might be used to create new types of weapons of mass destruction and to devise new means of waging war and stressed the need to draw up and conclude an international convention to outlaw action to influence the environment for military purposes.

By resolution 3264 (XXIX) of 9 December 1974, the General Assembly, taking into account the profound interest of States and peoples in the adoption of measures to preserve and improve the environment and to modify the climate solely for peaceful purposes, *inter alia* considered it necessary to adopt, through the conclusion of an appropriate international convention, effective measures to prohibit action to influence the environment and climate for military and other hostile purposes incompatible with the maintenance of international security, human well-being and health.

¹²Reproduced in the *Juridical Yearbook*, 1967, p. 283.

¹³For the request and other relevant documents, see *Official Records of the General Assembly, Twenty-ninth Session, Annexes*, agenda item 100.

¹⁴For the request and other relevant documents, see *Official Records of the General Assembly, Twenty-ninth Session, Annexes*, agenda item 103.

II. OTHER POLITICAL AND SECURITY QUESTIONS

1. STRENGTHENING OF INTERNATIONAL SECURITY¹⁵

On 17 December 1974, the General Assembly adopted resolution 3332 (XXIX), in which it, *inter alia*, reaffirmed the principles and provisions contained in the Declaration on the Strengthening of International Security,¹⁶ appealing to all States to implement them, to broaden the scope of détente, to reduce armaments, and to reaffirm the principles contained in the Declaration on friendly relations among States as the basis of relations among all States; reaffirmed that all States have the right to participate on a basis of equality in the settlement of major international problems; reaffirmed that any measure or pressure directed against any State while exercising its sovereign right freely to dispose of its natural resources constituted a flagrant violation of the right of self-determination and the principle of non-intervention, as set forth in the Charter of the United Nations; reaffirmed the legitimacy of the struggle of peoples under alien domination to achieve self-determination; and appealed to all States to implement the United Nations resolutions on the elimination of colonialism, racism and *apartheid*.

2. STRENGTHENING OF THE ROLE OF THE UNITED NATIONS¹⁷

By resolution 3283 (XXIX) of 12 December 1974, the General Assembly drew the attention of States to the machinery established under the Charter of the United Nations for the peaceful settlement of international disputes, urged Member States not parties to instruments establishing the various facilities and machinery available for the peaceful settlement of disputes to consider becoming parties to such instruments and, in the case of the International Court of Justice, recognized the desirability that States study the possibility of accepting the compulsory jurisdiction of the Court; and called upon Member States to make full use and seek improved implementation of the means and methods provided for in the Charter and elsewhere for the exclusively peaceful settlement of any dispute or situation which is likely to endanger the maintenance of international peace and security, including negotiation, inquiry, mediation, conciliation, arbitration, judicial settlement, resort to regional agencies or arrangements, good offices including those of the Secretary-General, or other peaceful means of their own choice.

3. PEACEFUL USES OF OUTER SPACE

In the course of its seventeenth session held in New York from 1 to 12 July 1974, the Committee on the Peaceful Uses of Outer Space noted with gratification the outstanding work done by the Legal Sub-Committee on the draft convention on registration of objects launched into outer space¹⁸ and endorsed the draft convention for submission to the General Assembly. It agreed that, at its fourteenth session, the Sub-Committee should consider as matters of high priority the draft treaty relating to the Moon, the elaboration of principles governing the use by States of artificial earth satellites and the legal implications of remote sensing of the earth from space.

In regard to the report of the Working Group on Direct Broadcast Satellites on the work of its fifth session,¹⁹ the Committee, while unable to come to definite conclusions on various issues arising from the report or on suggestions for future meetings of the Working Group, noted with appreciation the contributions made by the Working Group to the work under-

¹⁵For relevant documents, see *Official Records of the General Assembly, Twenty-ninth Session, Annexes*, agenda item 36.

¹⁶Resolution 2734 (XXV), reproduced in the *Juridical Yearbook*, 1970, p. 62.

¹⁷For relevant documents, see *Official Records of the General Assembly, Twenty-ninth Session, Annexes*, agenda item 20.

¹⁸A/AC.105/C.2/13.

¹⁹A/AC.105/127.

taken by the Legal Sub-Committee on direct broadcast satellites, and endorsed its view that further in-depth studies on the economic and social factors of the subject should be encouraged, with special attention given to improving the existing and planned infrastructure to meet changing educational and development needs, in particular those of the developing countries.²⁰

In resolution 3234 (XXIX) of 12 November 1974, the General Assembly, after noting with satisfaction that the Committee on the Peaceful Uses of Outer Space had completed the text of the draft Convention on Registration of Objects Launched into Outer Space,²¹ recommended that at its fourteenth session the Legal Sub-Committee should consider with the same high priority the draft treaty relating to the Moon, with a view to completing it as soon as possible; the elaboration of principles governing the use by States of artificial earth satellites for direct television broadcasting with a view to concluding an international agreement or agreements, in accordance with General Assembly resolution 2916 (XXVII) of 9 November 1972; and the legal implications of remote sensing of the earth from space, taking into account the various views expressed on the subject, including proposals for draft international instruments. The Assembly recommended that the Legal Sub-Committee should consider at its fourteenth session, as time permits, matters relating to the definition and/or delimitation of outer space and outer space activities; and noted the useful work carried out by the Working Group on Direct Broadcast Satellites, *inter alia* in facilitating the work of the Legal Sub-Committee in elaborating principles governing the use by States of artificial earth satellites for direct television broadcasting.

III. ECONOMIC, SOCIAL AND HUMANITARIAN ACTIVITIES

I. HUMAN RIGHTS QUESTIONS

(a) *International Convention on the Elimination of all Forms of Racial Discrimination*²²

In resolution 3225 (XXIX) of 6 November 1974, the General Assembly appealed to States which had not yet done so to accede to the Convention.

The Committee on the Elimination of Racial Discrimination established under article 8 of the Convention²³ submitted its fifth annual report to the General Assembly, covering its ninth and tenth sessions.²⁴

(b) *International Convention on the Suppression and Punishment of the Crime of Apartheid*²⁵

Under the provisions of Article XV, the Convention will enter into force on the thirtieth day after the deposit with the Secretary-General of the United Nations of the twentieth

²⁰ For the report of the Committee on the Peaceful Uses of Outer Space, see *Official Records of the General Assembly, Twenty-ninth Session, Supplement No. 20 (A/9620)*. For other relevant documents, see *ibid.*, Annexes, agenda items 32 and 33.

²¹ The text of the Convention on Registration of Objects Launched into Outer Space is reproduced on p. 89 of this *Yearbook*.

²² Reproduced in the *Juridical Yearbook*, 1965, p. 63. The Convention came into force on 4 January 1969. For the list of States parties to the Convention as at 31 December 1974, see *Multilateral Treaties in respect of which the Secretary-General Performs Depositary Functions* (ST/LEG/SER.D/8, United Nations publication, Sales No. E.75.V.9).

²³ For the membership of the Committee, see *Official Records of the General Assembly, Twenty-ninth Session, Supplement No. 18 (A/9618)*, para. 3.

²⁴ *Official Records of the General Assembly, Twenty-ninth Session, Supplement No. 18 (A/9618)*. For other relevant documents, see *ibid.*, Annexes, agenda item 33.

²⁵ Reproduced in the *Juridical Yearbook*, 1973, p. 70.

instrument of ratification or accession. As at 31 December 1974, the Secretary-General had received instruments of ratification or accession from 5 States.²⁶

In resolution 3223 (XXIX) of 6 November 1974, the General Assembly urged all Member States to sign and ratify the Convention.

(c) *Human rights and scientific and technological developments*²⁷

In resolution 3268 (XXIX) of 10 December 1974, the General Assembly, while acknowledging the indispensable role of science and technology for development, considered that it was necessary, on the one hand, to ensure that scientific and technological developments were not used in a manner contrary to the principles of international law and, on the other hand, to protect human rights and fundamental freedoms in situations of scientific and technological development; and drew the attention of States to the advantages that might be derived from the elaboration and adoption, by the competent national authorities, of measures designed to adopt national legislation and practices, where appropriate, not only to take account of new technology but also to safeguard the fundamental rights of the individual and of groups or organizations in all sectors of social life.

(d) *International Covenants on Human Rights*²⁸

In resolution 3270 (XXIX) of 10 December 1974, the Assembly, *inter alia*, recommended that Member States should give special attention to the possibilities of accelerating as far as possible the internal procedures that would lead to the ratification of the Covenant on Economic, Social and Cultural Rights, the Covenant on Civil and Political Rights and the Optional Protocol to the latter, expressed the hope that those instruments would come into force in the near future, if possible by the thirtieth session of the Assembly, and invited all States to become parties to the International Covenants on Human Rights.²⁹

2. ECONOMIC AND SOCIAL QUESTIONS

(a) *Charter of Economic Rights and Duties of States*

By resolution 3281 (XXIX) of 12 December 1974, the General Assembly, having recalled that the United Nations Conference on Trade and Development, in its resolution 45 (III) of 18 May 1972,³⁰ had stressed the urgency to establish generally accepted norms to govern international economic relations systematically and recognized that it was not feasible to establish a just order and a stable world as long as a charter to protect the rights of all countries, and in particular the developing States, was not formulated; having noted that, in its resolution 3082 (XXVIII) of 6 December 1973, it had reaffirmed its conviction of the urgent need to establish or improve norms of universal application for the development of international economic relations on a just and equitable basis and urged the Working Group on the

²⁶ For the list of those States, see *Multilateral Treaties in respect of which the Secretary-General Performs Depositary Functions* (ST/LEG/SER.D/8, United Nations publication, Sales No. E.75.V.9).

²⁷ For relevant documents, see *Official Records of the General Assembly, Twenty-ninth Session, Annexes*, agenda item 56.

²⁸ Reproduced in the *Juridical Yearbook*, 1966, p. 170.

²⁹ The International Covenant on Economic, Social and Cultural Rights came into force on 3 January 1976; the International Covenant on Civil and Political Rights and the Optional Protocol thereto came into force on 23 March 1976. For the list of States parties to the Covenants and the Optional Protocol as at 31 December 1974, see *Multilateral Treaties in respect of which the Secretary-General Performs Depositary Functions* (ST/LEG/SER.D/8, United Nations publication, Sales No. E.75.V.9).

³⁰ See *Proceedings of the United Nations Conference on Trade and Development, Third Session*, vol. 1, *Report and Annexes* (United Nations publication, Sales No. E.73.II.D.4), annex I.A. For other relevant documents, see TD/B/AC.12/4 and Corr.1 and *Official Records of the General Assembly, Twenty-ninth Session, Annexes*, agenda item 48.

Charter of Economic Rights and Duties of States to complete, as the first step in the codification and development of the matter, the elaboration of a final draft Charter of Economic Rights and Duties of States, to be considered and approved by the General Assembly at its twenty-ninth session; and bearing in mind the spirit and terms of its resolutions 3201 (S-VI) and 3202 (S-VI) of 1 May 1974, containing, respectively, the Declaration and the Programme of Action on the Establishment of a New International Economic Order, which underlined the vital importance of the Charter to be adopted by the General Assembly at its twenty-ninth session and stressed the fact that the Charter should constitute an effective instrument towards the establishment of a new system of international economic relations based on equity, sovereign equality and interdependence of the interests of developed and developing countries; adopted and solemnly proclaimed the following Charter:

CHARTER OF ECONOMIC RIGHTS AND DUTIES OF STATES

PREAMBLE

The General Assembly,

Reaffirming the fundamental purposes of the United Nations, in particular the maintenance of international peace and security, the development of friendly relations among nations and the achievement of international co-operation in solving international problems in the economic and social fields.

Affirming the need for strengthening international co-operation in these fields,

Reaffirming further the need for strengthening international co-operation for development,

Declaring that it is a fundamental purpose of the present Charter to promote the establishment of the new international economic order, based on equity, sovereign equality, interdependence, common interest and co-operation among all States, irrespective of their economic and social systems,

Desirous of contributing to the creation of conditions for:

(a) The attainment of wider prosperity among all countries and of higher standards of living for all peoples,

(b) The promotion by the entire international community of the economic and social progress of all countries, especially developing countries,

(c) The encouragement of co-operation, on the basis of mutual advantage and equitable benefits for all peace-loving States which are willing to carry out the provisions of the present Charter, in the economic, trade, scientific and technical fields, regardless of political, economic or social systems,

(d) The overcoming of main obstacles in the way of the economic development of the developing countries,

(e) The acceleration of the economic growth of developing countries with a view to bridging the economic gap between developing and developed countries,

(f) The protection, preservation and enhancement of the environment,

Mindful of the need to establish and maintain a just and equitable economic and social order through:

(a) The achievement of more rational and equitable international economic relations and the encouragement of structural changes in the world economy,

(b) The creation of conditions which permit the further expansion of trade and intensification of economic co-operation among all nations,

(c) The strengthening of the economic independence of developing countries,

(d) The establishment and promotion of international economic relations, taking into account the agreed differences in development of the developing countries and their specific needs,

Determined to promote collective economic security for development, in particular of the developing countries, with strict respect for the sovereign equality of each State and through the co-operation of the entire international community,

Considering that genuine co-operation among States, based on joint consideration of and concerted action regarding international economic problems, is essential for fulfilling the international community's common desire to achieve a just and rational development of all parts of the world,

Stressing the importance of ensuring appropriate conditions for the conduct of normal economic relations among all States, irrespective of differences in social and economic systems, and for the full respect of the rights of all peoples, as well as strengthening instruments of international economic co-operation as a means for the consolidation of peace for the benefit of all,

Convinced of the need to develop a system of international economic relations on the basis of sovereign equality, mutual and equitable benefit and the close interrelationship of the interests of all States,

Reiterating that the responsibility for the development of every country rests primarily upon itself but that concomitant and effective international co-operation is an essential factor for the full achievement of its own development goals,

Firmly convinced of the urgent need to evolve a substantially improved system of international economic relations,

Solemnly adopts the present Charter of Economic Rights and Duties of States.

CHAPTER I

FUNDAMENTALS OF INTERNATIONAL ECONOMIC RELATIONS

Economic as well as political and other relations among States shall be governed, *inter alia*, by the following principles:

- (a) Sovereignty, territorial integrity and political independence of States;
- (b) Sovereign equality of all States;
- (c) Non-aggression;
- (d) Non-intervention;
- (e) Mutual and equitable benefit;
- (f) Peaceful coexistence;
- (g) Equal rights and self-determination of peoples;
- (h) Peaceful settlement of disputes;
- (i) Remedying of injustices which have been brought about by force and which deprive a nation of the natural means necessary for its normal development;
- (j) Fulfilment in good faith of international obligations;
- (k) Respect for human rights and fundamental freedoms;
- (l) No attempt to seek hegemony and spheres of influence;
- (m) Promotion of international social justice;
- (n) International co-operation for development;
- (o) Free access to and from the sea by land-locked countries within the framework of the above principles.

CHAPTER II
ECONOMIC RIGHTS AND DUTIES OF STATES

Article 1

Every State has the sovereign and inalienable right to choose its economic system as well as its political, social and cultural systems in accordance with the will of its people, without outside interference, coercion or threat in any form whatsoever.

Article 2

1. Every State has and shall freely exercise full permanent sovereignty, including possession, use and disposal, over all its wealth, natural resources and economic activities.

2. Each State has the right:

(a) To regulate and exercise authority over foreign investment within its national jurisdiction in accordance with its laws and regulations and in conformity with its national objectives and priorities. No State shall be compelled to grant preferential treatment to foreign investment;

(b) To regulate and supervise the activities of transnational corporations within its national jurisdiction and take measures to ensure that such activities comply with its laws, rules and regulations and conform with its economic and social policies. Transnational corporations shall not intervene in the internal affairs of a host State. Every State should, with full regard for its sovereign rights, co-operate with other States in the exercise of the right set forth in this subparagraph;

(c) To nationalize, expropriate or transfer ownership of foreign property, in which case appropriate compensation should be paid by the State adopting such measures, taking into account its relevant laws and regulations and all circumstances that the State considers pertinent. In any case where the question of compensation gives rise to a controversy, it shall be settled under the domestic law of the nationalizing State and by its tribunals, unless it is freely and mutually agreed by all States concerned that other peaceful means be sought on the basis of the sovereign equality of States and in accordance with the principle of free choice of means.

Article 3

In the exploitation of natural resources shared by two or more countries, each State must co-operate on the basis of a system of information and prior consultations in order to achieve optimum use of such resources without causing damage to the legitimate interest of others.

Article 4

Every State has the right to engage in international trade and other forms of economic co-operation irrespective of any differences in political, economic and social systems. No State shall be subjected to discrimination of any kind based solely on such differences. In the pursuit of international trade and other forms of economic co-operation, every State is free to choose the forms of organization of its foreign economic relations and to enter into bilateral and multilateral arrangements consistent with its international obligations and with the needs of international economic co-operation.

Article 5

All States have the right to associate in organizations of primary commodity producers in order to develop their national economies, to achieve stable financing for their development and, in pursuance of their aims, to assist in the promotion of sustained growth of the world economy, in particular accelerating the development of developing countries. Correspondingly, all States have the duty to respect that right by refraining from applying economic and political measures that would limit it.

Article 6

It is the duty of States to contribute to the development of international trade of goods, particularly by means of arrangements and by the conclusion of long-term multilateral commodity agreements, where appropriate, and taking into account the interests of producers and consumers. All States share the responsibility to promote the regular flow and access of all commercial goods traded at stable, remunerative and equitable prices, thus contributing to the equitable development of the world economy, taking into account, in particular, the interests of developing countries.

Article 7

Every State has the primary responsibility to promote the economic, social and cultural development of its people. To this end, each State has the right and the responsibility to choose its means and goals of development, fully to mobilize and use its resources, to implement progressive economic and social reforms and to ensure the full participation of its people in the process and benefits of development. All States have the duty, individually and collectively, to co-operate in eliminating obstacles that hinder such mobilization and use.

Article 8

States should co-operate in facilitating more rational and equitable international economic relations and in encouraging structural changes in the context of a balanced world economy in harmony with the needs and interests of all countries, especially developing countries, and should take appropriate measures to this end.

Article 9

All States have the responsibility to co-operate in the economic, social, cultural, scientific and technological fields for the promotion of economic and social progress throughout the world, especially that of the developing countries.

Article 10

All States are juridically equal and, as equal members of the international community, have the right to participate fully and effectively in the international decision-making process in the solution of world economic, financial and monetary problems, *inter alia*, through the appropriate international organizations in accordance with their existing and evolving rules, and to share equitably in the benefits resulting therefrom.

Article 11

All States should co-operate to strengthen and continuously improve the efficiency of international organizations in implementing measures to stimulate the general economic progress of all countries, particularly of developing countries, and therefore should co-operate to adapt them, when appropriate, to the changing needs of international economic co-operation.

Article 12

1. States have the right, in agreement with the parties concerned, to participate in subregional, regional and interregional co-operation in the pursuit of their economic and social development. All States engaged in such co-operation have the duty to ensure that the policies of those groupings to which they belong correspond to the provisions of the present Charter and are outward-looking, consistent with their international obligations and with the needs of international economic co-operation, and have full regard for the legitimate interests of third countries, especially developing countries.

2. In the case of groupings to which the States concerned have transferred or may transfer certain competences as regards matters that come within the scope of the present

Charter, its provisions shall also apply to those groupings in regard to such matters, consistent with the responsibilities of such States as members of such groupings. Those States shall co-operate in the observance by the groupings of the provisions of this Charter.

Article 13

1. Every State has the right to benefit from the advances and developments in science and technology for the acceleration of its economic and social development.

2. All States should promote international scientific and technological co-operation and the transfer of technology, with proper regard for all legitimate interests including, *inter alia*, the rights and duties of holders, suppliers and recipients of technology. In particular, all States should facilitate the access of developing countries to the achievements of modern science and technology, the transfer of technology and the creation of indigenous technology for the benefit of the developing countries in forms and in accordance with procedures which are suited to their economies and their needs.

3. Accordingly, developed countries should co-operate with the developing countries in the establishment, strengthening and development of their scientific and technological infrastructures and their scientific research and technological activities so as to help to expand and transform the economies of developing countries.

4. All States should co-operate in research with a view to evolving further internationally accepted guidelines or regulations for the transfer of technology, taking fully into account the interests of developing countries.

Article 14

Every State has the duty to co-operate in promoting a steady and increasing expansion and liberalization of world trade and an improvement in the welfare and living standards of all peoples, in particular those of developing countries. Accordingly, all States should co-operate, *inter alia*, towards the progressive dismantling of obstacles to trade and the improvement of the international framework for the conduct of world trade and, to these ends, co-ordinated efforts shall be made to solve in an equitable way the trade problems of all countries, taking into account the specific trade problems of the developing countries. In this connexion, States shall take measures aimed at securing additional benefits for the international trade of developing countries so as to achieve a substantial increase in their foreign exchange earnings, the diversification of their exports, the acceleration of the rate of growth of their trade, taking into account their development needs, an improvement in the possibilities for these countries to participate in the expansion of world trade and a balance more favourable to developing countries in the sharing of the advantages resulting from this expansion, through, in the largest possible measure, a substantial improvement in the conditions of access for the products of interest to the developing countries and, wherever appropriate, measures designed to attain stable, equitable and remunerative prices for primary products.

Article 15

All States have the duty to promote the achievement of general and complete disarmament under effective international control and to utilize the resources released by effective disarmament measures for the economic and social development of countries, allocating a substantial portion of such resources as additional means for the development needs of developing countries.

Article 16

1. It is the right and duty of all States, individually and collectively, to eliminate colonialism, *apartheid*, racial discrimination, neo-colonialism and all forms of foreign aggression, occupation and domination, and the economic and social consequences thereof, as a prerequisite for development. States which practise such coercive policies are economically responsible to the countries, territories and peoples affected for the restitution and full

compensation for the exploitation and depletion of, and damages to, the natural and all other resources of those countries, territories and peoples. It is the duty of all States to extend assistance to them.

2. No State has the right to promote or encourage investments that may constitute an obstacle to the liberation of a territory occupied by force.

Article 17

International co-operation for development is the shared goal and common duty of all States. Every State should co-operate with the efforts of developing countries to accelerate their economic and social development by providing favourable external conditions and by extending active assistance to them, consistent with their development needs and objectives, with strict respect for the sovereign equality of States and free of any conditions derogating from their sovereignty.

Article 18

Developed countries should extend, improve and enlarge the system of generalized non-reciprocal and non-discriminatory tariff preferences to the developing countries consistent with the relevant agreed conclusions and relevant decisions as adopted on this subject, in the framework of the competent international organizations. Developed countries should also give serious consideration to the adoption of other differential measures, in areas where this is feasible and appropriate and in ways which will provide special and more favourable treatment, in order to meet the trade and development needs of the developing countries. In the conduct of international economic relations the developed countries should endeavour to avoid measures having a negative effect on the development of the national economies of the developing countries, as promoted by generalized tariff preferences and other generally agreed differential measures in their favour.

Article 19

With a view to accelerating the economic growth of developing countries and bridging the economic gap between developed and developing countries, developed countries should grant generalized preferential, non-reciprocal and non-discriminatory treatment to developing countries in those fields of international economic co-operation where it may be feasible.

Article 20

Developing countries should, in their efforts to increase their over-all trade, give due attention to the possibility of expanding their trade with socialist countries, by granting to these countries conditions for trade not inferior to those granted normally to the developed market economy countries.

Article 21

Developing countries should endeavour to promote the expansion of their mutual trade and to this end may, in accordance with the existing and evolving provisions and procedures of international agreements where applicable, grant trade preferences to other developing countries without being obliged to extend such preferences to developed countries, provided these arrangements do not constitute an impediment to general trade liberalization and expansion.

Article 22

1. All States should respond to the generally recognized or mutually agreed development needs and objectives of developing countries by promoting increased net flows of real resources to the developing countries from all sources, taking into account any obligations and commitments undertaken by the States concerned, in order to reinforce the efforts of developing countries to accelerate their economic and social development.

2. In this context, consistent with the aims and objectives mentioned above and taking into account any obligations and commitments undertaken in this regard, it should be their endeavour to increase the net amount of financial flows from official sources to developing countries and to improve the terms and conditions thereof.

3. The flow of development assistance resources should include economic and technical assistance.

Article 23

To enhance the effective mobilization of their own resources, the developing countries should strengthen their economic co-operation and expand their mutual trade so as to accelerate their economic and social development. All countries, especially developed countries, individually as well as through the competent international organizations of which they are members, should provide appropriate and effective support and co-operation.

Article 24

All States have the duty to conduct their mutual economic relations in a manner which takes into account the interests of other countries. In particular, all States should avoid prejudicing the interests of developing countries.

Article 25

In furtherance of world economic development, the international community, especially its developed members, shall pay special attention to the particular needs and problems of the least developed among the developing countries, of land-locked developing countries and also island developing countries, with a view to helping them to overcome their particular difficulties and thus contribute to their economic and social development.

Article 26

All States have the duty to coexist in tolerance and live together in peace, irrespective of differences in political, economic, social and cultural systems, and to facilitate trade between States having different economic and social systems. International trade should be conducted without prejudice to generalized non-discriminatory and non-reciprocal preferences in favour of developing countries, on the basis of mutual advantage, equitable benefits and the exchange of most-favoured-nation treatment.

Article 27

1. Every State has the right to enjoy fully the benefits of world invisible trade and to engage in the expansion of such trade.

2. World invisible trade, based on efficiency and mutual and equitable benefit, furthering the expansion of the world economy, is the common goal of all States. The role of developing countries in world invisible trade should be enhanced and strengthened consistent with the above objectives, particular attention being paid to the special needs of developing countries.

3. All States should co-operate with developing countries in their endeavours to increase their capacity to earn foreign exchange from invisible transactions, in accordance with the potential and needs of each developing country and consistent with the objectives mentioned above.

Article 28

All States have the duty to co-operate in achieving adjustments in the prices of exports of developing countries in relation to prices of their imports so as to promote just and equitable terms of trade for them, in a manner which is remunerative for producers and equitable for producers and consumers.

CHAPTER III

COMMON RESPONSIBILITIES TOWARDS THE INTERNATIONAL COMMUNITY

Article 29

The sea-bed and ocean floor and the subsoil thereof, beyond the limits of national jurisdiction, as well as the resources of the area, are the common heritage of mankind. On the basis of the principles adopted by the General Assembly in resolution 2749 (XXV) of 17 December 1970, all States shall ensure that the exploration of the area and exploitation of its resources are carried out exclusively for peaceful purposes and that the benefits derived therefrom are shared equitably by all States, taking into account the particular interests and needs of developing countries; an international régime applying to the area and its resources and including appropriate international machinery to give effect to its provisions shall be established by an international treaty of a universal character, generally agreed upon.

Article 30

The protection, preservation and enhancement of the environment for the present and future generations is the responsibility of all States. All States shall endeavour to establish their own environmental and developmental policies in conformity with such responsibility. The environmental policies of all States should enhance and not adversely affect the present and future development potential of developing countries. All States have the responsibility to ensure that activities within their jurisdiction or control do not cause damage to the environment of other States or of areas beyond the limits of national jurisdiction. All States should co-operate in evolving international norms and regulations in the field of the environment.

CHAPTER IV

FINAL PROVISIONS

Article 31

All States have the duty to contribute to the balanced expansion of the world economy, taking duly into account the close interrelationship between the well-being of the developed countries and the growth and development of the developing countries, and the fact that the prosperity of the international community as a whole depends upon the prosperity of its constituent parts.

Article 32

No State may use or encourage the use of economic, political or any other type of measures to coerce another State in order to obtain from it the subordination of the exercise of its sovereign rights.

Article 33

1. Nothing in the present Charter shall be construed as impairing or derogating from the provisions of the Charter of the United Nations or actions taken in pursuance thereof.
2. In their interpretation and application, the provisions of the present Charter are interrelated and each provision should be construed in the context of the other provisions.

Article 34

An item on the Charter of Economic Rights and Duties of States shall be included in the agenda of the General Assembly at its thirtieth session, and thereafter on the agenda of every fifth session. In this way a systematic and comprehensive consideration of the implementation of the Charter, covering both progress achieved and any improvements and additions which might become necessary, would be carried out and appropriate measures recommended. Such

consideration should take into account the evolution of all the economic, social, legal and other factors related to the principles upon which the present Charter is based and on its purpose.

(b) *Declaration on the Establishment of a New International Economic Order*³¹

By resolution 3201 (S-VI) of 1 May 1974, the General Assembly adopted the Declaration on the Establishment of a New International Economic Order, paragraph 4 of which reads as follows:

“4. The new international economic order should be founded on full respect for the following principles:

“(a) Sovereign equality of States, self-determination of all peoples, inadmissibility of the acquisition of territories by force, territorial integrity and non-interference in the internal affairs of other States;

“(b) The broadest co-operation of all the States members of the international community, based on equity, whereby the prevailing disparities in the world may be banished and prosperity secured for all;

“(c) Full and effective participation on the basis of equality of all countries in the solving of world economic problems in the common interest of all countries, bearing in mind the necessity to ensure the accelerated development of all the developing countries, while devoting particular attention to the adoption of special measures in favour of the least developed, land-locked and island developing countries as well as those developing countries most seriously affected by economic crises and natural calamities, without losing sight of the interests of other developing countries;

“(d) The right of every country to adopt the economic and social system that it deems the most appropriate for its own development and not to be subjected to discrimination of any kind as a result;

“(e) Full permanent sovereignty of every State over its natural resources and all economic activities. In order to safeguard these resources, each State is entitled to exercise effective control over them and their exploitation with means suitable to its own situation, including the right to nationalization or transfer of ownership to its nationals, this right being an expression of the full permanent sovereignty of the State. No State may be subjected to economic, political or any other type of coercion to prevent the free and full exercise of this inalienable right;

“(f) The right of all States, territories and peoples under foreign occupation, alien and colonial domination or *apartheid* to restitution and full compensation for the exploitation and depletion of, and damages to, the natural resources and all other resources of those States, territories and peoples;

“(g) Regulation and supervision of the activities of transnational corporations by taking measures in the interest of the national economies of the countries where such transnational corporations operate on the basis of the full sovereignty of those countries;

“(h) The right of the developing countries and the peoples of territories under colonial and racial domination and foreign occupation to achieve their liberation and to regain effective control over their natural resources and economic activities;

“(i) The extending of assistance to developing countries, peoples and territories which are under colonial and alien domination, foreign occupation, racial discrimination or *apartheid* or are subjected to economic, political or any other type of coercive measures to obtain from them the subordination of the exercise of their sovereign rights and to secure from them advantages of any kind, and to neo-colonialism in all its forms, and

³¹For relevant documents, see *Official Records of the General Assembly, Sixth Special Session, Annexes, agenda item 7.*

which have established or are endeavouring to establish effective control over their natural resources and economic activities that have been or are still under foreign control;

“(j) Just and equitable relationship between the prices of raw materials, primary commodities, manufactured and semi-manufactured goods exported by developing countries and the prices of raw materials, primary commodities, manufactures, capital goods and equipment imported by them with the aim of bringing about sustained improvement in their unsatisfactory terms of trade and the expansion of the world economy;

“(k) Extension of active assistance to developing countries by the whole international community, free of any political or military conditions;

“(l) Ensuring that one of the main aims of the reformed international monetary system shall be the promotion of the development of the developing countries and the adequate flow of real resources to them;

“(m) Improving the competitiveness of natural materials facing competition from synthetic substitutes;

“(n) Preferential and non-reciprocal treatment for developing countries, wherever feasible, in all fields of international economic co-operation whenever possible;

“(o) Securing favourable conditions for the transfer of financial resources to developing countries;

“(p) Giving to the developing countries access to the achievements of modern science and technology, and promoting the transfer of technology and the creation of indigenous technology for the benefit of the developing countries in forms and in accordance with procedures which are suited to their economies;

“(q) The need for all States to put an end to the waste of natural resources, including food products;

“(r) The need for developing countries to concentrate all their resources for the cause of development;

“(s) The strengthening, through individual and collective actions, of mutual economic, trade, financial and technical co-operation among the developing countries, mainly on a preferential basis;

“(t) Facilitating the role which producers' associations may play within the framework of international co-operation and, in pursuance of their aims, *inter alia* assisting in the promotion of sustained growth of the world economy and accelerating the development of developing countries.”

3. HUMANITARIAN ACTIVITIES

*Office of the United Nations High Commissioner for Refugees*³²

By resolution 3272 (XXIX) of 10 December 1974, the General Assembly, noting the view of the Executive Committee of the High Commissioner's Programme that a conference of plenipotentiaries on territorial asylum should be called as soon as possible, decided to establish a Group of Experts to review the text of the draft convention on territorial asylum drawn up at two successive meetings of experts held in 1971 and 1972.³³

³²For detailed information, see *Official Records of the General Assembly, Twenty-ninth Session, Supplement No. 12 (A/9612 and Corr.1), Supplement No. 12A (A/9612/Add.1), Supplement No. 12B (A/9612/Add.2) and Supplement No. 12C (A/9612/Add.3)*. See also *ibid.*, Annexes, agenda item 59.

³³For the text of the draft convention, see *Official Records of the General Assembly, Twenty-seventh Session, Supplement No. 12 (A/8712)*, Appendix.

In the field of international protection, the UNHCR encountered considerable difficulties in safeguarding the basic human rights of refugees recognized in international legal instruments. The High Commissioner considers it essential that more States, especially in the areas concerned, become parties to such instruments as the 1951 Convention relating to the Status of Refugees³⁴ and the 1967 Protocol thereto³⁵ and the OAU Convention of 1969 governing the Specific Aspects of Refugee Problems in Africa.³⁶ In considering the impact of nationality on the problems of refugees, it should be noted that as of 31 December 1974, 29 States were parties to the 1954 Convention relating to the Status of Stateless Persons³⁷ and that the 1961 Convention on the Reduction of Statelessness³⁸ is to come into effect in December 1975. In this regard, the General Assembly, by resolution 3274 (XXIX) of 10 December 1974, requested the Office of the United Nations High Commissioner for Refugees provisionally to undertake the functions foreseen under the Convention in accordance with its article 11,³⁹ after the entry into force of the Convention.

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

At its first, organizational, session, held in New York in December 1973, the Conference decided that it would adopt its rules of procedure at its second session not later than 27 June 1974. During the period between the first and second sessions, various informal consultations were held with regard to the adoption of the rules of procedure, in the course of which several new amendments and documents were submitted.

The second session of the Conference was held in Caracas, Venezuela, from 20 June to 29 August 1974. At its opening meeting, the Conference heard addresses by the President of Venezuela, the President of the Conference and by the Secretary-General of the United Nations. Representatives of 138 States participated in the session.

The first week of the session was devoted to consideration of the rules of procedure of the Conference⁴⁰ which were subsequently revised⁴¹ to cover, among other things, participation by observers of national liberation movements which the Conference had decided to invite on 11 July. The rules of procedure were adopted on 27 June.⁴² On 21 June, the Conference decided to allocate to the plenary and to the Main Committees the subjects and issues prepared in accordance with General Assembly resolution 2750 C (XXV) of 17 December 1970. From 28 June to 7 August, the Conference heard general statements by 115 delegations and by various intergovernmental organizations, specialized agencies and others.

During the session in Caracas, the three Main Committees of the Conference discussed items referred to them and endeavoured to develop agreement on texts of draft treaty articles. After a general discussion, the First Committee considered the economic implications of

³⁴United Nations, *Treaty Series*, vol. 189, p. 137.

³⁵See *Juridical Yearbook*, 1967, p. 285.

³⁶Organization of African Unity document CM/267/Rev.1.

³⁷United Nations, *Treaty Series*, vol. 360, p. 117.

³⁸A/CONF.9/15.

³⁹Article 11 of the Convention reads as follows:

“The Contracting States shall promote the establishment within the framework of the United Nations, as soon as may be after the deposit of the sixth instrument of ratification or accession, of a body to which a person claiming the benefit of this Convention may apply for the examination of his claim and for assistance in presenting it to the appropriate authority.”

⁴⁰A/CONF.62/30.

⁴¹A/CONF.62/30/Rev.1.

⁴²United Nations publication, Sales No. E.74.I.18.

mining in the deep sea-bed. The Committee established a working group to pursue negotiations on 21 draft articles relating to the principles of a sea-bed régime.

The Second Committee decided to consider the items allocated to it through debates on each and then to identify the main trends. This stage produced various working papers which, in a second stage, were to be given a second reading in which connected items were to be considered in groups. Finally, the Committee decided to consolidate the various informal working papers into a single working document, which would form a basis for its future work.

The Third Committee, after holding a general discussion, proceeded in its work mainly through informal meetings devoted to the drafting of articles.

Since none of the Committees had completed its work at the close of the session, the Conference decided to request the General Assembly to schedule a further session at Geneva from 17 March to 10 May 1975. It also agreed to recommend that the formal final session of the Conference should be held at Caracas for the purpose of signature of the Final Act and other instruments of the Conference.

Discussion of the work of the Conference at the twenty-ninth session of the General Assembly was limited essentially to arrangements related to the continuation of the work of the Conference. By resolution 3334 (XXIX) of 17 December 1974, the General Assembly, *inter alia*, approved the convening of the third session of the Third United Nations Conference on the Law of the Sea from 17 March to 10 May 1975 at Geneva; decided to authorize the Conference to include Arabic as an official and working language; and requested the Secretary-General to invite: (a) Papua New Guinea to attend any future session of the Conference, if independent, as a participating State and, while not independent, to attend as an observer; (b) the Cook Islands, Netherlands Antilles, Niue, Surinam and the West Indies Associated States to attend any future session of the Conference as observers or, if any of them became independent, as a participating State; and (c) the Trust Territory of the Pacific Islands to attend any future session of the Conference as an observer.

V. INTERNATIONAL COURT OF JUSTICE^{43,44}

I. CASES SUBMITTED TO THE COURT⁴⁵

(a) *Fisheries Jurisdiction*

(*United Kingdom v. Iceland*)

(*Federal Republic of Germany v. Iceland*)

These two cases concerned Iceland's decision to extend its exclusive fisheries jurisdiction from a limit of 12 miles to one of 50 miles as from 1 September 1972, which the United Kingdom of Great Britain and Northern Ireland and the Federal Republic of Germany contended to be contrary to international law.

By two Judgements delivered on 25 July 1974, the Court, by 10 votes to 4: (a) found that the Icelandic Regulations of 1972 constituting a unilateral extension of the exclusive fishing rights of Iceland to 50 nautical miles from the baselines was not opposable either to the United Kingdom or to the Federal Republic of Germany; (b) found that Iceland was not entitled unilaterally to exclude fishing vessels of the United Kingdom or of the Federal Republic from

⁴³For the composition of the Court, see *Official Records of the General Assembly, Twenty-ninth Session, Supplement No. 5 (A/9605)*, sect. I.

⁴⁴As of 31 December 1974, the number of States accepting the compulsory jurisdiction of the Court under Article 36, paragraph 2, stood at 45.

⁴⁵For detailed information, see *I.C.J. Reports 1974*; *I.C.J. Reports 1975*; *I.C.J. Yearbook 1973-1974*, No. 28; and *I.C.J. Yearbook 1974-1975*, No. 29.

areas between the 12-mile and 50-mile limits or unilaterally to impose restrictions on their activities in such areas; (c) held that Iceland and the United Kingdom and Iceland and the Federal Republic were under mutual obligations to undertake negotiations in good faith for an equitable solution of their differences; and (d) indicated certain factors which were to be taken into account in those negotiations (preferential rights of Iceland, established rights of the United Kingdom and of the Federal Republic, interests of other States, conservation of fishery resources, joint examination of measures required). The Court further found, by 10 votes to 4, that it was unable to accede to the submission of the Federal Republic of Germany concerning a claim to be entitled to compensation.

(b) *Nuclear Tests*

(*Australia v. France*)

(*New Zealand v. France*)

These two cases concerned the atmospheric nuclear tests carried out by France in the South Pacific region, which Australia and New Zealand contended to be contrary to international law.

From 4 to 11 July 1974 the Court held public sittings at which the representatives of Australia and of New Zealand put forward argument on the questions of the jurisdiction of the Court in these cases and the admissibility of the Applications. France was not represented.

On 20 December 1974, the Court delivered two Judgements by which, noting that France had announced its intention to hold no further series of atmospheric tests after 1974, it found by 9 votes to 6 that the claims of Australia and New Zealand no longer had any object and that there was consequently nothing on which to give judgement.

By two Orders made the same day, the Court found unanimously that, in the circumstances, the Applications of Fiji for permission to intervene lapsed and that no further action thereon was called for on the part of the Court.

(c) *Western Sahara*

(*Request for an advisory opinion*)

By resolution 3292 (XXIX) of 13 December 1974, received in the Registry of the Court on 21 December, the General Assembly requested the Court to give an advisory opinion on the following questions:

"I. Was Western Sahara (Río de Oro and Sakiet El Hamra) at the time of colonization by Spain a territory belonging to no one (*terra nullius*)?"

If the answer to the first question is in the negative,

"II. What were the legal ties between this territory and the Kingdom of Morocco and the Mauritanian entity?"⁴⁶

2. OTHER ACTIVITIES

Review of the role of the Court

An item entitled "Review of the Role of the International Court of Justice" was included in the agenda of the General Assembly at its twenty-fifth session in 1970, at the request of 12 delegations including the United States, Japan and Canada. The co-sponsors aimed essentially at the establishment of an *ad hoc* committee which would undertake a study of the obstacles to the satisfactory functioning of the Court and ways and means of removing them. This idea received only partial support in the Sixth Committee, and the General Assembly deferred its decision on the matter at four successive sessions, in 1970, 1971, 1972 and 1973. At the twenty-

⁴⁶The Court delivered its advisory opinion on 16 October 1975.

ninth session in 1974, the majority of delegations favoured putting an end to the consideration of the item by adopting a consensus draft resolution on the role of the Court in general.

This approach was reflected in a draft resolution (A/C.6/L.987/Rev.2)⁴⁷ under which the General Assembly, after recognizing that the development of international law might be reflected, *inter alia*, by declarations and resolutions of the General Assembly which might to that extent be taken into consideration by the International Court of Justice, would recognize the desirability that States study the possibility of accepting, with as few reservations as possible, the compulsory jurisdiction of the Court in accordance with Article 36 of its Statute; draw the attention of States to the advantage of inserting in treaties, in cases considered possible and appropriate, clauses providing for the submission to the International Court of Justice of disputes which might arise from the interpretation or application of such treaties; call upon States to keep under review the possibility of identifying cases in which use could be made of the International Court of Justice; draw the attention of States to the possibility of making use of chambers as provided in Articles 26 and 29 of the Statute of the International Court of Justice and in the Rules of Court, including those which would deal with particular categories of cases; recommend that United Nations organs and the specialized agencies should, from time to time, review legal questions within the competence of the International Court of Justice that had arisen or would arise during their activities and should study the advisability of referring them to the Court for an advisory opinion, provided that they were duly authorized to do so; and reaffirm that recourse to judicial settlement of legal disputes, particularly referral to the International Court of Justice, should not be considered an unfriendly act between States.

This draft resolution was adopted by consensus by the Sixth Committee. Various delegations did, however, express reservations on a number of provisions and said that, had the draft been put to the vote, they could not have supported it.

On 12 November 1974, the draft resolution was adopted by the General Assembly as resolution 3232 (XXIX).⁴⁸

VI. INTERNATIONAL LAW COMMISSION⁴⁹

TWENTY-SIXTH SESSION OF THE COMMISSION⁵⁰

The International Law Commission held its twenty-sixth session at Geneva from 6 May to 26 July 1974. The session was mainly devoted to the preparation of a final set of draft articles on "Succession of States in respect of treaties" and of draft articles provisionally adopted on the topics "State responsibility" and "Question of treaties concluded between States and international organizations or between two or more international organizations", and to the commencement of work on "The law of the non-navigational uses of international watercourses".

⁴⁷ For other relevant documents, see *Official Records of the General Assembly, Twenty-ninth Session, Annexes*, agenda item 93.

⁴⁸ It should be noted that the General Assembly adopted at its twenty-ninth session a resolution on the peaceful settlement of international disputes (resolution 3283 (XXIX)), which deals in part with the role of the International Court of Justice (see section II.2 above).

⁴⁹ For the membership of the Commission, see *Official Records of the General Assembly, Thirtieth Session, Supplement No. 10 (A/10010/Rev.1)*, Chap. I.

⁵⁰ For detailed information see *Yearbook of the International Law Commission, 1974*, vols. I and II, Parts One and Two (United Nations publications. Sales Nos. E.75.V.6, E.75.V.7 (Part I) and E.75.V.7 (Part II)).

CONSIDERATION BY THE GENERAL ASSEMBLY

On 14 December 1974, the General Assembly adopted resolution 3315 (XXIX) concerning the report of the Commission on the work of its twenty-sixth session.⁵¹ In section I of the resolution, the Assembly, *inter alia*, recommended that the Commission should continue on a high priority basis at its twenty-seventh session its work on State responsibility with a view to the preparation of a first set of draft articles on responsibility of States for internationally wrongful acts at the earliest possible time and take up, as soon as appropriate, the separate topic of international liability for injurious consequences arising out of acts not prohibited by international law; proceed with the preparation, on a priority basis, of draft articles on succession of States in respect of matters other than treaties; proceed with the preparation of draft articles on the most-favoured-nation clause and on treaties concluded between States and international organizations or between international organizations; and continue its study of the law of non-navigational uses of international watercourses. In addition, the Assembly approved, in the light of the importance of its existing work programme, a 12-week period for the Commission's annual sessions, subject to review by the Assembly whenever necessary. In section II of the resolution, the General Assembly, *inter alia*, invited Member States to submit to the Secretary-General their written comments and observations on the draft articles on succession of States in respect of treaties contained in the Commission's report on the work of its twenty-sixth session, including comments and observations on certain proposals referred to in the report, which the Commission was prevented from discussing by lack of time, and on the procedure by which and the form in which work on the draft articles should be completed; requested the Secretary-General to circulate, before the thirtieth session of the Assembly, the comments and observations referred to above; and decided to include in the provisional agenda of its thirtieth session an item entitled "Succession of States in respect of treaties".

VII. UNITED NATIONS COMMISSION ON INTERNATIONAL TRADE LAW⁵²

The United Nations Commission on International Trade Law continued to make substantial progress in the unification and harmonization of the law of international trade.⁵³

The report of the Commission on the work of its seventh session, held in New York from 13 to 17 May 1974, was considered by the General Assembly at its twenty-ninth session.⁵⁴ In resolution 3316 (XXIX) of 14 December 1974, the Assembly commended the Commission for its progress; noted with satisfaction that work on uniform rules on the liability of ocean carriers for loss, damage or delay with respect to cargo was nearing completion and that a draft convention setting forth such rules would be transmitted to Governments and interested international organizations in 1975 for their comments; and recommended that the Commission should continue in its work to pay special attention to the topics to which it had decided to give priority, namely, the international sale of goods, international payments, international commercial arbitration and international legislation on shipping, and also continue to consider the legal problems presented by multinational enterprises and the advisability of preparing

⁵¹ For relevant documents, see *Official Records of the General Assembly, Twenty-ninth Session, Annexes*, agenda item 87.

⁵² For the membership of the Commission, see *Official Records of the General Assembly, Thirtieth Session, Supplement No. 17 (A/10017)*, chap. 1, sect. 13.

⁵³ For detailed information, see *Yearbook of the United Nations Commission on International Trade Law, vol. V: 1974* (United Nations publication, Sales No. E.75.V.2).

⁵⁴ For relevant documents, see *Official Records of the General Assembly, Twenty-ninth Session, Annexes*, agenda item 89.

uniform rules governing the liability for damage caused by products intended for or involved in international trade.

VIII. OTHER LEGAL QUESTIONS

I. DEFINITION OF AGGRESSION

The report of the Special Committee on the Question of Defining Aggression⁵⁵ on the work of its seventh session, held at United Nations Headquarters from 11 March to 12 April 1974, was before the General Assembly at its twenty-ninth session.⁵⁶ On 14 December 1974, the Assembly adopted resolution 3314 (XXIX), by which it, *inter alia*, approved the Definition of Aggression annexed thereto; called upon all States to refrain from all acts of aggression and other uses of force contrary to the Charter of the United Nations and the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations; called the attention of the Security Council to the Definition of Aggression adopted, and recommended that it should, as appropriate, take account of that Definition as guidance in determining, in accordance with the Charter, the existence of an act of aggression. The text of the Definition is reproduced below.

DEFINITION OF AGGRESSION

The General Assembly,

Basing itself on the fact that one of the fundamental purposes of the United Nations is to maintain international peace and security and to take effective collective measures for the prevention and removal of threats to the peace, and for the suppression of acts of aggression or other breaches of the peace,

Recalling that the Security Council, in accordance with Article 39 of the Charter of the United Nations, shall determine the existence of any threat to the peace, breach of the peace or act of aggression and shall make recommendations, or decide what measures shall be taken in accordance with Articles 41 and 42, to maintain or restore international peace and security,

Recalling also the duty of States under the Charter to settle their international disputes by peaceful means in order not to endanger international peace, security and justice,

Bearing in mind that nothing in this Definition shall be interpreted as in any way affecting the scope of the provisions of the Charter with respect to the functions and powers of the organs of the United Nations,

Considering also that, since aggression is the most serious and dangerous form of the illegal use of force, being fraught, in the conditions created by the existence of all types of weapons of mass destruction, with the possible threat of a world conflict and all its catastrophic consequences, aggression should be defined at the present stage,

Reaffirming the duty of States not to use armed force to deprive peoples of their right to self-determination, freedom and independence, or to disrupt territorial integrity.

Reaffirming also that the territory of a State shall not be violated by being the object, even temporarily, of military occupation or of other measures of force taken by another State in contravention of the Charter, and that it shall not be the object of acquisition by another State resulting from such measures or the threat thereof,

⁵⁵For the membership of the Special Committee, see *Official Records of the General Assembly, Twenty-second Session, Supplement No. 16A (A/6716/ Add.1)*, p. 9.

⁵⁶*Official Records of the General Assembly, Twenty-ninth Session, Supplement No. 19 (A/9619 and Corr.1)*. For other relevant documents, see *ibid.*, Annexes, agenda item 86.

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

Convinced that the adoption of a definition of aggression ought to have the effect of deterring a potential aggressor, would simplify the determination of acts of aggression and the implementation of measures to suppress them and would also facilitate the protection of the rights and lawful interests of, and the rendering of assistance to, the victim,

Believing that, although the question whether an act of aggression has been committed must be considered in the light of all the circumstances of each particular case, it is nevertheless desirable to formulate basic principles as guidance for such determination,

Adopts the following Definition of Aggression:⁵⁷

Article 1

Aggression is the use of armed force by a State against the sovereignty, territorial integrity or political independence of another State, or in any other manner inconsistent with the Charter of the United Nations, as set out in this Definition.

Explanatory note: In this Definition the term "State":

(a) Is used without prejudice to questions of recognition or to whether a State is a Member of the United Nations;

(b) Includes the concept of a "group of States" where appropriate.

Article 2

The first use of armed force by a State in contravention of the Charter shall constitute *prima facie* evidence of an act of aggression although the Security Council may, in conformity with the Charter, conclude that a determination that an act of aggression has been committed would not be justified in the light of other relevant circumstances, including the fact that the acts concerned or their consequences are not of sufficient gravity.

Article 3

Any of the following acts, regardless of a declaration of war, shall, subject to and in accordance with the provisions of article 2, qualify as an act of aggression:

(a) The invasion or attack by the armed forces of a State of the territory of another State, or any military occupation, however temporary, resulting from such invasion or attack, or any annexation by the use of force of the territory of another State or part thereof;

(b) Bombardment by the armed forces of a State against the territory of another State or the use of any weapons by a State against the territory of another State;

(c) The blockade of the ports or coasts of a State by the armed forces of another State;

(d) An attack by the armed forces of a State on the land, sea or air forces, or marine and air fleets of another State;

(e) The use of armed forces of one State which are within the territory of another State with the agreement of the receiving State, in contravention of the conditions provided for in the agreement or any extension of their presence in such territory beyond the termination of the agreement;

(f) The action of a State in allowing its territory, which it has placed at the disposal of another State, to be used by that other State for perpetrating an act of aggression against a third State:

⁵⁷ Explanatory notes on articles 3 and 5 are to be found in paragraph 20 of the report of the Special Committee on the Question of Defining Aggression (*Official Records of the General Assembly, Twenty-ninth Session, Supplement No. 19 (A/9619 and Corr.1)*). Statements on the Definition are contained in paragraphs 9 and 10 of the report of the Sixth Committee (A/9890).

(g) The sending by or on behalf of a State of armed bands, groups, irregulars or mercenaries, which carry out acts of armed force against another State of such gravity as to amount to the acts listed above, or its substantial involvement therein.

Article 4

The acts enumerated above are not exhaustive and the Security Council may determine that other acts constitute aggression under the provisions of the Charter.

Article 5

1. No consideration of whatever nature, whether political, economic, military or otherwise, may serve as a justification for aggression.

2. A war of aggression is a crime against international peace. Aggression gives rise to international responsibility.

3. No territorial acquisition or special advantage resulting from aggression is or shall be recognized as lawful.

Article 6

Nothing in this Definition shall be construed as in any way enlarging or diminishing the scope of the Charter, including its provisions concerning cases in which the use of force is lawful.

Article 7

Nothing in this Definition, and in particular article 3, could in any way prejudice the right to self-determination, freedom and independence, as derived from the Charter, of peoples forcibly deprived of that right and referred to in the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations, particularly peoples under colonial and racist régimes or other forms of alien domination; nor the right of these peoples to struggle to that end and to seek and receive support, in accordance with the principles of the Charter and in conformity with the above-mentioned Declaration.

Article 8

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

2. UNITED NATIONS CONFERENCE ON PRESCRIPTION (LIMITATION) IN THE INTERNATIONAL SALE OF GOODS

Pursuant to General Assembly resolution 3104 (XXVIII) of 12 December 1973, the United Nations Conference on Prescription (Limitation) in the International Sale of Goods was held at United Nations Headquarters from 20 May to 14 June 1974.⁵⁸ The Conference adopted the Convention on the Limitation Period in the International Sale of Goods,⁵⁹ which was opened for signature and ratification.

By its resolution 3317 (XXIX) of 14 December 1974, the General Assembly, *inter alia*, took note of the adoption of the above-mentioned Convention, reaffirmed its conviction that the harmonization and unification of national rules governing prescription (limitation) in the international sale of goods would contribute to the removal of obstacles to the development of world trade and invited all States which had not yet done so to consider the possibility of signing, ratifying or acceding to the Convention.

⁵⁸ For the proceedings of the Conference, see A/CONF.63/16 (United Nations publication, Sales No. E.74.V.8).

⁵⁹ Reproduced on p. 92 of this *Yearbook*.

3. RESPECT FOR HUMAN RIGHTS IN ARMED CONFLICTS

The Diplomatic Conference on the Reaffirmation and Development of International Humanitarian Law Applicable in Armed Conflicts, convoked by the Swiss Federal Council, held its first session at Geneva from 20 February to 29 March 1974. About 136 States participated, including Guinea-Bissau which was invited by the Conference. National liberation movements recognized by the regional intergovernmental organizations concerned were also invited by the Conference to participate therein without the right to vote. The Secretary-General was represented at the Conference by an observer delegation. The Conference held a general debate and its established three Main Committees began consideration of articles in draft Additional Protocol I (International armed conflicts) and draft Additional Protocol II (Non-international armed conflicts), and amendments thereto, as follows: Committee I (General Provisions), Committee II (Wounded, Sick and Shipwrecked Persons, Civil Defence, Relief) and Committee III (Civilian Population, Methods and Means of Combat, New Category of Prisoners of War). An *Ad Hoc* Committee of the Whole was established to examine the question of prohibition or restriction of use of specific categories of conventional weapons and report thereon to the Conference.⁶⁰ The Conference decided to include the examination of the question of protection of journalists engaged in dangerous missions—referred to it by General Assembly resolution 3058 (XXVIII) of 2 November 1973—as a matter of priority in the agenda of its second session.

In accordance with General Assembly resolution 3102 (XXVIII) of 12 December 1973, the Secretary-General submitted to the Assembly at its twenty-ninth session a report on the first session of the Conference.⁶¹

An addendum to the report (A/9669/Add.1) contained a summary of information concerning activities of non-governmental bodies, which had manifested their specific interest in various problems, relating to respect for human rights in armed conflicts, received by the Secretary-General subsequent to the adoption of resolution 3102 (XXVIII), namely, information communicated by the International Committee of the Red Cross (ICRC), the League of Red Cross Societies, the International Confederation of Former Prisoners of War, the World Veterans Federation and the International Institute of Humanitarian Law. The information communicated by the ICRC concerned the Conference of Government Experts on the Use of Certain Conventional Weapons, convened under the auspices of the Committee at Lucerne, Switzerland, from 24 September to 18 October 1974.⁶²

On 14 December 1974, the General Assembly adopted resolution 3319 (XXIX), in which it expressed its appreciation to the Swiss Federal Council for convoking in 1975 the second session of the Diplomatic Conference on the Reaffirmation and Development of International Humanitarian Law Applicable in Armed Conflicts and to the International Committee of the Red Cross for its readiness to convoke in 1975 another Conference of Government Experts on Weapons That May Cause Unnecessary Suffering or Have Indiscriminate Effects. The Assembly urged all participants in the Diplomatic Conference to do their utmost to reach agreement on additional rules which might help to alleviate the suffering brought about by armed conflicts and to respect and protect non-combatants and civilian objects in such conflicts. Further, the Assembly called upon all parties to armed conflicts to acknowledge and comply with their obligations under the humanitarian instruments and to observe the

⁶⁰The report of the *Ad Hoc* Committee was transmitted to the International Committee of the Red Cross with a view to assisting it in identifying questions and possibilities which need to be explored in depth by the conference of government experts on weapons that may cause unnecessary suffering or have indiscriminate effects convened by the International Committee of the Red Cross at Lucerne, Switzerland, from 4 to 28 June 1974.

⁶¹A/9669. For other relevant documents, see *Official Records of the General Assembly, Twenty-ninth Session, Annexes*, agenda items 92 and 12.

⁶²International Committee of the Red Cross, "Report on the work of the Conference of Government Experts on the Use of Certain Conventional Weapons", 1974.

international humanitarian rules which are applicable, in particular the Hague Conventions of 1899 and 1907,⁶³ the Geneva Protocol of 1925⁶⁴ and the Geneva Conventions of 1949.⁶⁵ It requested the Secretary-General to report to the General Assembly at its thirtieth session on relevant developments, concerning the topic, in particular on the proceedings and results of the 1975 session of the Diplomatic Conference.

Under resolution 3318 (XXIX) of 14 December 1974, the General Assembly solemnly proclaimed a Declaration on the Protection of Women and Children in Emergency and Armed Conflict in the struggle for peace, self-determination, national liberation and independence, and called for the strict observance of the Declaration by all Member States.⁶⁶ The Assembly proclaimed, *inter alia*, that attacks and bombings on the civilian population, inflicting incalculable suffering, especially on women and children, who are the most vulnerable members of the population, shall be prohibited, and such acts shall be condemned; that the use of chemical and bacteriological weapons in the course of military operations constitutes one of the most flagrant violations of the Geneva Protocol of 1925, the Geneva Conventions of 1949 and the principles of international humanitarian law and inflicts heavy losses on civilian populations, including defenceless women and children, and shall be severely condemned; that all States should abide fully by their obligations under instruments of international law relative to respect for human rights in armed conflicts, which offer important guarantees for the protection of women and children; that all efforts should be made by States involved in armed conflicts, military operations in foreign territories and in territories still under colonial domination to spare women and children from the ravages of war; that all forms of repression and cruel and inhuman treatment of women and children, including imprisonment, torture, shooting, mass arrests, collective punishment, destruction of dwellings and forcible eviction, committed by belligerents in the course of military operations or in occupied territories should be considered criminal; and that women and children belonging to the civilian population and finding themselves in circumstances of emergency and armed conflict in the struggle for peace, self-determination, national liberation and independence, or who live in occupied territories, should not be deprived of shelter, food, medical aid or other inalienable rights.

4. QUESTION OF DIPLOMATIC ASYLUM

By a letter dated 16 August 1974,⁶⁷ Australia requested the inclusion in the agenda of the twenty-ninth session of the General Assembly of an item entitled "Diplomatic asylum". In the explanatory memorandum attached to its request, Australia indicated that the absence of general agreement on the principles which should govern diplomatic asylum could lead to misunderstanding and confusion about the rights and obligations of States. It pointed out that only some of the States granting such protection had been parties to conventions on asylum and that only some of them belonged to the Latin American region, which had developed so notably the practice of diplomatic asylum. In the opinion of the Australian Government, any uncertainty about the universally accepted principles governing diplomatic asylum could have detrimental consequences for friendly relations between States and for their co-operation in solving international problems of a humanitarian character. Australia therefore held the view

⁶³ Carnegie Endowment for International Peace, *The Hague Conventions and Declarations of 1899 and 1907* (New York, Oxford University Press, 1915).

⁶⁴ League of Nations, *Treaty Series*, vol. XCIV, p. 65.

⁶⁵ United Nations, *Treaty Series*, vol. 75.

⁶⁶ This resolution was adopted after consideration of paragraph 493 of the report of the Economic and Social Council on the work of its fifty-sixth and fifty-seventh sessions related to Council resolution 1861 (LVI) of 16 May 1974 (*Official Records of the General Assembly, Twenty-ninth Session, Supplement No. 3 (A/9603)*). By resolution 1861 (LVI), the Council recommended to the General Assembly the adoption of a draft resolution on the subject. The draft resolution was submitted to the Economic and Social Council by the Commission on the Status of Women.

⁶⁷ A/9704. For the request and other documents, see *Official Records of the General Assembly, Twenty-ninth Session, Annexes*, agenda item 105.

that it was opportune for the General Assembly to consider further the question of the desirability of formulating principles on diplomatic asylum.

The General Assembly adopted resolution 3321 (XXIX) of 14 December 1974 under which it, *inter alia*, invited Member States wishing to express their views on the question of diplomatic asylum to communicate those views to the Secretary-General; and requested the Secretary-General to prepare and circulate to Member States, before the thirtieth session of the Assembly, a report containing an analysis of the question of diplomatic asylum.⁶⁸

5. NEED TO CONSIDER SUGGESTIONS REGARDING THE REVIEW OF THE CHARTER OF THE UNITED NATIONS

At its twenty-ninth session, the General Assembly had before it a report of the Secretary-General, submitted pursuant to Assembly resolution 2968 (XXVII) of 14 December 1972, setting out the views and suggestions of seven Member States on a review of the Charter.⁶⁹

In resolution 3349 (XXIX) of 17 December 1974, the General Assembly, while reaffirming its support for the purposes and principles of the Charter, decided to establish an *Ad Hoc* Committee on the Charter of the United Nations, consisting of 42 members, to discuss the observations received from Governments and to consider any additional specific proposals that Governments might make with a view to enhancing the ability of the United Nations to achieve its purposes and other suggestions for the more effective functioning of the United Nations that might not require amendments to the Charter. The Assembly also invited Governments to submit or to bring up to date their observations on the Charter review. It invited the Secretary-General to submit to the *Ad Hoc* Committee his views, as appropriate, on the experience acquired in the application of the provisions of the Charter with regard to the Secretariat, and requested him to prepare an analytical paper containing the observations received from Governments and the views expressed at the twenty-seventh and twenty-ninth sessions of the General Assembly. The Assembly also requested the *Ad Hoc* Committee to submit a report on its work to the General Assembly at its thirtieth session.

6. PARTICIPATION IN THE CONVENTION ON SPECIAL MISSIONS,⁷⁰ ITS OPTIONAL PROTOCOL CONCERNING THE COMPULSORY SETTLEMENT OF DISPUTES⁷¹ AND THE VIENNA CONVENTION ON THE LAW OF TREATIES⁷²

On 12 November 1974, the Assembly adopted resolution 3233 (XXIX), by which it decided to invite all States to become parties to the Convention on Special Missions, its Optional Protocol concerning the Compulsory Settlement of Disputes and the Vienna Convention on the Law of Treaties.⁷³

⁶⁸ The report was circulated for the thirtieth session of the General Assembly as document A/10139 (Part I) and Add.1 and A/10139 (Part II).

⁶⁹ A/9739. For other relevant documents, see *Official Records of the General Assembly, Twenty-ninth Session, Annexes*, agenda item 95.

⁷⁰ Reproduced in the *Juridical Yearbook*, 1969, p. 125.

⁷¹ *Ibid.*, p. 139.

⁷² *Ibid.*, p. 140.

⁷³ For relevant documents, see *Official Records of the General Assembly, Twenty-ninth Session, Annexes*, agenda items 96 and 97.

IX. UNITED NATIONS INSTITUTE FOR TRAINING AND RESEARCH⁷⁴

In 1974 the Institute organized a number of courses in the form of seminars such as those on "Negotiating Procedures in the United Nations System". It also, as in previous years, assumed responsibility for the major part of the United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law, established under General Assembly resolution 2099 (XX) of 20 December 1965.

The Institute has continued its research work on such topics as dispute settlement procedures in ocean resources and environmental fields, the peaceful settlement and conflict resolution and measures in regard to arms control. Among the publications which were issued in 1974, mention may be made of *The OAS and the UN: Relations in the Peace and Security Field* (UNITAR/PS/7—UNITAR/RS/4), *International Navigable Waterways: Financial and Legal Aspects of their Improvement and Maintenance* (UNITAR/ST/6) and *Tendencias del Derecho del Mar Contemporáneo* (UNITAR/LS/5).

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

I. INTERNATIONAL LABOUR ORGANISATION⁷⁵

1. The International Labour Conference (ILC), which held its 59th session in Geneva in June 1974, adopted a Convention and a Recommendation concerning the Control and Prevention of Occupational Hazards Caused by Carcinogenic Substances and Agents, 1974⁷⁶ and a Convention and a Recommendation concerning Paid Educational Leave, 1974.⁷⁷

⁷⁴For detailed information, see *Official Records of the General Assembly, Twenty-ninth Session, Supplement No. 14 (A/9614)* and *ibid.*, *Thirtieth Session, Supplement No. 14 (A/10014)*.

⁷⁵In regard to the adoption of instruments, the preparatory work, which, by virtue of the double-discussion procedure, normally covers a period of two years, is indicated, in order to facilitate reference work, according to the year during which the instrument was adopted.

⁷⁶*Official Bulletin*, Vol. LVII, 1974, No. 1, pp. 15-18 and 22-26; English, French, Spanish. Regarding preparatory work, see: *First Discussion—Control and Prevention of Occupational Cancer*, ILC, 58th Session (1973), Report VII(1) (this report contains, *inter alia*, a description of the action which led to the placing of the question on the agenda of the Conference), and Report VII(2), 36 and 74 pages respectively; English, French, German, Russian and Spanish. See also: ILC, 58th Session (1973), *Record of Proceedings*, pp. 599-612, 697-700; English, French, Spanish. *Second Discussion—Control and Prevention of Occupational Hazards Caused by Carcinogenic Substances and Agents*, ILC, 59th Session (1974), Report V(1) and Report V(2), 39 and 45 pages respectively; English, French, German, Russian and Spanish. See also: ILC, 59th Session (1974), *Record of Proceedings*, pp. 329-346, 429-433, 676-680; English, French, Spanish.

⁷⁷*Official Bulletin*, Vol. LVII, 1974, No. 1, pp. 18-22 and 27-30; English, French, Spanish. Regarding preparatory work, see: *First Discussion—Paid Educational Leave*, ILC, 58th Session (1973), Report VI(1) (this report contains, *inter alia*, a description of the action which led to the placing of the question on the agenda of the Conference) and Report VI(2), 58 and 65 pages respectively; English, French, German, Russian and Spanish. See also: ILC, 58th Session (1973), *Record of Proceedings*, pp. 451-462, 684-686, 691-697; English, French, Spanish. *Second Discussion—Paid Educational Leave*, ILC, 59th Session (1974), Report IV(1) and Report IV(2), 42 and 75 pages respectively; English, French, German, Russian and Spanish. See also: ILC, 59th Session (1974), *Record of Proceedings*, pp. 355-369, 470-476, 609-613, 681-684.

2. The Committee of Experts on the Application of Conventions and Recommendations met in Geneva from 14 to 27 March 1974 and presented its Report.⁷⁸

3. The Governing Body Committee on Freedom of Association met in Geneva and adopted Reports 139, 140 and 141 at its 191st Session (November 1973); Reports 142 and 143 at its 192nd Session (February–March 1974); Reports 144 and 145 at its 193rd Session (May–June 1974); and Reports 146, 147 and 148 at its 194th Session (November 1974).⁷⁹

II. FOOD AND AGRICULTURE ORGANIZATION OF THE UNITED NATIONS

I. OFFICE OF THE LEGAL COUNSEL⁸⁰

(a) *General constitutional and legal matters*

In addition to current legal advice and services provided to the Director-General and various units of the Secretariat, activities in 1974 related mainly to the legal matters considered by the Committee on Constitutional and Legal Matters (CCLM) at its Twenty-Ninth Session, held in October 1974, and by the FAO Council at its Sixty-Third and Sixty-Fourth Sessions, held in July and November 1974. These matters included in particular:

- an authorization by the Council and the Economic and Social Council for the granting of assistance by the World Food Programme to peoples in colonial territories in Africa and their national liberation movements, notwithstanding the provision of the General Regulations of the Programme limiting participation to Member States of the United Nations and Member Nations of FAO;⁸¹
- a reform of the system of staff representation whereby the single Staff Council elected by the staff as a whole was replaced by bodies formed by interested staff groups and recognized as representative by the Director-General, such groups being entitled to negotiate with the Director-General but not with Governing Bodies;⁸²
- a new recruitment policy for general service staff who may in future be recruited from among nationals of all Member Nations and be considered as local staff regardless of nationality or place of recruitment.⁸³

The Legal Office was also engaged in work connected with the preparation, conduct and follow-up of the World Food Conference of the United Nations held in Rome in November 1974; in particular, the Legal Counsel served as Legal Adviser to the Conference and members of his office served on the Credentials Committee and on the working party for the Declaration on the Eradication of Hunger and Malnutrition.⁸⁴

⁷⁸ This report has been published as Report III (Part 4) to the 59th Session (1974) of the International Labour Conference and constitutes two volumes: Vol. A: "General Report and Observations concerning Particular Countries", Report III (Part 4A), 266 pages; English, French, Spanish; and Vol. B: "General Survey of the Reports relating to the Termination of Employment Recommendation, 1963 (No. 119)", Report III (Part 4B), 118 pages; English, French, Spanish.

⁷⁹ These Reports have been published respectively in documents GB.191/13/22, 23 and 24; GB.192/11/24 and 25; GB.193/11/20 and 21; and GB.194/11/26, 27 and 28.

⁸⁰ For general information on the organization and functions of the Office of the Legal Counsel, see *Juridical Yearbook*, 1972, p. 60, note 47.

⁸¹ CL 64/18, paras. 4-9; CL 64/INF/11; CL 64/REP, paras. 229-237.

⁸² CL 64/18, paras. 18-27; CL 64/15, paras. 32-35 and 82-87; CL 64/LIM/9, CL 64/REP, paras. 295-301.

⁸³ CL 64/18, paras. 10-17; CL 64/5, paras. 36-39; CL 64/LIM/6 (reproduced on p. 199 of this *Yearbook*); CL 64/CW/PV/11; CL 64/PV/19; CL 64/REP, paras. 302-309.

⁸⁴ See Report of the Conference, document E/5587.

Legal Office staff also contributed substantially to the work of the Codex Alimentarius Commission which, at its Tenth Session in July 1974, considered a number of subjects of legal interest including a revision of the methods of acceptance of Codex Community and Codex General Standards.⁸⁵

The following reference documents of legal interest were issued in revised versions in 1974:

- (i) FAO Basic Texts Vols. I and II, 1974.⁸⁶
- (ii) Reference Table of Amendments to the FAO Constitution from 1945 to 1971 inclusive (LEG: MISC/74).
- (iii) Directory of FAO Statutory Bodies and Panels of Experts 1974.

(b) *Environment law*

Legal Office staff provided secretariat services and documentation for the Consultation on the Protection of Living Resources and Fisheries from Pollution in the Mediterranean held in Rome in February and May 1974; contributed papers to the Conference on "Avoidance and Adjustment of Environmental Disputes", convened under the auspices of the United Nations Environment Programme at Bellagio in July 1974; to the Colloquium on "Legal Aspects of Environmental Law in Developing Countries", convened by the International Association of Legal Science at Mexico City in August 1974; and to the "Working Group on Environment" of the Vienna Conference on New Initiatives in East-West Cooperation, in November 1974; participated in the Task Force on "Protection of the Mediterranean" convened by the United Nations Environment Programme at Madrid in October 1974; and in the Expert Consultation on "Legal Aspects of Trans-Frontier Pollution", convened by OECD at Paris in December 1974.

FAO published translations and summaries of environmental legislation of various countries and references to other current national legislation in this field.⁸⁷ Legislative drafting assistance was provided, within the framework of UNDP, to the Government of Colombia for preparation of the "Code of Environment and Renewable Natural Resources" enacted on 18 December 1974.

(c) *Law of the Sea and international fisheries*

FAO participated in the Second Session of the United Nations Conference on the Law of the Sea at Caracas (June–August 1974) and was requested to submit to the Third Session an updated version of its publication on the limits and status of the territorial sea, exclusive fishing zones, fisheries conservation zones and the continental shelf. Documents on the views expressed, and the proposals submitted, on fisheries during the Fifth and Sixth Sessions of the Sea-Bed Committee and the Second Session of the Conference, were placed before the FAO Committee on Fisheries in October 1974.⁸⁸

At its Twelfth Session in March 1974, the General Fisheries Council for the Mediterranean (GFCM) considered a paper on the effectiveness of existing fisheries management machinery.⁸⁹ It decided that it was necessary to undertake without delay a revision of the 1949 Agreement establishing the GFCM and, in the light of the experience acquired by other regulatory fishery bodies, to recommend such amendments to the Agreement as would make the GFCM more adapted to the new tasks it may be called upon to perform and more effective as regards the adoption, implementation and enforcement of conservation measures.

At its Ninth Session in October, the FAO Committee on Fisheries requested the secretariat to submit to its next session in 1975 a paper offering suggestions on ways and means

⁸⁵ See Report of the Session, ALINORM 74/44, paras. 36-47.

⁸⁶ Issued in English, French, Spanish and Arabic.

⁸⁷ Food and Agricultural Legislation, vol. XXIII, nos. 1 and 2.

⁸⁸ COFI/74 Inf. 4, Inf. 5 and Inf. 12.

⁸⁹ GFCM/XII/74/10.

to change the present status, powers and composition of the Fishery Committee for the Eastern Central Atlantic.

At its Sixteenth Session in November 1974, the Indo-Pacific Fisheries Council (IPFC) considered a document on the effectiveness of existing fisheries management machinery⁹⁰ and entrusted an *ad hoc* Committee with the task of reviewing the achievements and limitations of the IPFC during the last 25 years, with a view to determining the strengths and weaknesses of both the 1948 Agreement establishing the IPFC and its Rules of Procedure; redefining the functions and responsibilities of the IPFC in the light of the above review and to meet new challenges; and restating the provisions of the Agreement and Rules of Procedure as required.

2. LEGISLATION BRANCH⁹¹

In addition to the specific activities described below, legal officers participated in the Second and Third Meetings of the Group of Consultants and Advisers on Agrarian Law, held in Santiago de Chile, April and December 1974; in the FAO/UNESCO/ILO Inter-Secretariat Working Group on Agricultural Education, Science and Training (Twenty-Second Session) held in Rome in October 1974; in the Joint Session of the Working Party on Agrarian Structure (Fifth Session) and the Working Party on Rural Sociological Problems (Fifth Session) of the European Commission on Agriculture, held in Rome in December 1974; in the Session of the Committee on the Law of International Water Resources of the International Law Association, held in Geneva and New Delhi in April and December 1974; in the FAO Consultation on an International Convention for the Control of the Spread of Major Communicable Fish Diseases held in Aviemore (Scotland) in April 1974; in the Interparliamentary Conference of the Coastal States on the Pollution Control in the Mediterranean, held in Rome in March–April 1974.

(a) *Legislative assistance and expert advice in the field*

The following assistance has been given in 1974:

- marketing legislation in Iran;
- research and training in agrarian law in Venezuela;
- land registration and administration in Viet-Nam;
- rural legislation in Togo;
- international water law and administration in the Senegal River Basin;
- water legislation and administration in Indonesia, Libya, Philippines and Somalia;
- fisheries law and legislation in Malaysia, Mexico, Haiti and Fiji;
- forestry legislation in Haiti and Upper Volta;
- wildlife and national parks legislation in Sudan;
- natural resources legislation in Colombia.

(b) *Legal drafting*

Assistance has also been given, without field visits, by drafting or reviewing legislation and other legal documents, at the request of Member Nations or of FAO technical experts.

This form of assistance covered in 1974, *inter alia*, the following subjects:

- comments on draft water legislation in Afghanistan;
- comments on draft of joint Declaration of Principles for Utilization of the Waters for the Lower Mekong Basin.

⁹⁰IPFC/74/26.

⁹¹For general information on the organization and functions of the Legislation Branch, see *Juridical Yearbook*, 1972, p. 62, note 59.

(c) *Special or comparative legal studies and reports*

A number of studies and documents prepared by or in cooperation with the Legislation Branch of the FAO Legal Office have been issued in the course of the year, concerning, *inter alia*, agrarian law and agrarian justice, agricultural credit legislation, legislation on agrarian structures in Europe, water legislation, improvement in irrigation facilities, development and management of water resources, institutional and legal problems of water management, legislation for the conservation of marine resources and marine pollution in relation to protection of living resources.⁹²

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

FAO publishes semi-annually, the *Food and Agriculture Legislation*. Annotated lists of relevant laws and regulations appear regularly in *Land Reform*, a semi-annual FAO publication. Similar lists are also published in the quarterly *Nutrition Newsletter* and in *Unasylva*, *An international journal of forestry and forest industries*.

III. UNITED NATIONS EDUCATIONAL, SCIENTIFIC AND CULTURAL ORGANIZATION

I. CONSTITUTIONAL AND PROCEDURAL QUESTIONS

(a) *Member States and Associate Members of the Organization*

(i) *New Member States*

Indicated below is information on the signature and acceptance of the Constitution of UNESCO by States which became members of the Organization within the period from 1 January to 31 December 1974:

<i>State</i>	<i>Date of signature of Constitution</i>	<i>Date of deposit of instrument of acceptance</i>
Portugal ⁹³	11 March 1965	11 September 1974
Democratic People's Republic of Korea	18 October 1974	18 October 1974
Guinea-Bissau	1 November 1974	1 November 1974
Republic of San Marino	12 November 1974	12 November 1974

Under the terms of the relevant provisions of the Constitution,⁹⁴ each of the aforementioned States became a member of the Organization on the respective date its acceptance took effect.

⁹²See the bibliography appearing at the end of this *Yearbook*.

⁹³The following information is pertinent to Portugal's membership of the Organization: on 11 March 1965, the Constitution of UNESCO was signed on behalf of Portugal. Instrument of acceptance by Portugal of the Constitution was deposited on this same date with the Government of the United Kingdom. In accordance with the provisions of Article XV of the Constitution, the acceptance took effect on the same day. 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. In conformity with the terms of Article II.6 of the Constitution, the notice of withdrawal by Portugal from the Organization took effect on 31 December 1972. By cable received on 12 September 1974, the Director-General was informed by the Foreign Secretary of the United Kingdom that Portugal had deposited an instrument of acceptance of the Constitution of UNESCO with the Government of the United Kingdom on 11 September 1974 and that acceptance was therefore effective on the same date. Also, see 18 C/Res.15.1, 15 November 1974, English, French, Russian, Spanish.

⁹⁴See Articles II and XV of the Constitution.

In the case of the membership of the Democratic People's Republic of Korea and the Republic of San Marino, as they were at the material time not Members of the United Nations Organization, Article II.2 of the UNESCO Constitution was applicable. Thus in each of these two cases, before the State concerned signed the Constitution of UNESCO and deposited its instrument of acceptance of same, the General Conference had, following application received from the appropriate Government and upon a recommendation of the Executive Board,⁹⁵ adopted by the required two-thirds majority a resolution admitting the State concerned to membership of UNESCO.⁹⁶

(ii) *New Associate Members*

In accordance with Article II.3 of the Constitution of UNESCO and upon an application made on 7 February 1974 by the Government of Australia, the General Conference, at its eighteenth session, decided on 17 October 1974 to admit Papua New Guinea to associate membership of UNESCO.⁹⁷

Upon application submitted by the United Nations Council for Namibia under the same Article II.3 of the Constitution of UNESCO, the General Conference, at its same session, decided on 21 October 1974 to admit Namibia to associate membership of the Organization.⁹⁸

(b) *Liberation movements recognized by the Organization of African Unity, and the Palestine Liberation Organization recognized by the League of Arab States*

In order to associate the African liberation movements recognized by the Organization of African Unity, and the Palestine Liberation Organization recognized by the League of Arab States with the activities of UNESCO, the General Conference, at its eighteenth session, amended its Rules of Procedure to provide for the participation by such African liberation movements and the Palestine Liberation Organization as observers at sessions of the General Conference.⁹⁹

At the same eighteenth session, the General Conference amended the "Regulations for the general classification of the various categories of meetings convened by UNESCO" to permit the General Conference, the Executive Board or the Director-General, according to the category of meeting concerned, to invite these African liberation movements and the Palestine Liberation Organization to send observers to meetings referred to in the said Regulations.¹⁰⁰

2. INTERNATIONAL REGULATIONS

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

In accordance with the terms of its Article IX(1), the Universal Copyright Convention as revised at Paris on 24 July 1971,¹⁰¹ adopted by the Conference for Revision of the Universal Copyright Convention, held at Paris from 5 to 24 July 1971, entered into force on 10 July 1974, that is, three months after the deposit of twelve instruments of ratification, acceptance or accession.

In conformity with their respective paragraph 2(b), the Protocols 1 and 2 annexed to the Convention entered into force on the same date as the Convention.

⁹⁵See 94 EX/Decisions 9.3 and 9.5, 20 May-28 June 1974, English, French, Russian, Spanish.

⁹⁶See Article II.2 of the Constitution, Rule 81(1)(a) of the Rules of Procedure of the General Conference, and 18 C/Res.0.61 and 0.62, 17 October 1974, English, French, Russian, Spanish.

⁹⁷See Document 18 C/99, 12 July 1974, 1 p., English, French, Russian, Spanish, and 18 C/Res.0.63, 17 October 1974, English, French, Russian, Spanish.

⁹⁸See Document 18 C/114, 21 October 1974, 2 p., English, French, Russian, Spanish, and 18 C/Res. 0.64, 21 October 1974, English, French, Russian, Spanish.

⁹⁹See 18 C/Res. 17.2 and 17.3, 25 October 1974, English, French, Russian, Spanish.

¹⁰⁰See 18 C/Res. 18.1 and 18.2, 25 October 1974, English, French, Russian, Spanish.

¹⁰¹See *Juridical Yearbook*, 1971, p. 123.

(b) *Adoption of new instruments*

In the course of the year under review, five international standard-setting instruments which are listed below were adopted either by the General Conference or by an International Conference of States convened by UNESCO alone or jointly with another international organization:

- Convention relating to the Distribution of Programme-Carrying Signals Transmitted by Satellite (Done at Brussels on 21 May 1974 by the International Conference of States on the Distribution of Programme-Carrying Signals Transmitted by Satellites convened jointly by UNESCO and the World Intellectual Property Organization (WIPO)).¹⁰²
- Regional Convention on the Recognition of Studies, Diplomas and Degrees in Higher Education in Latin America and the Caribbean (Done at Mexico City on 19 July 1974 by the International Conference of States convened by UNESCO).¹⁰³
- Recommendation concerning education for international understanding, co-operation and peace and education relating to human rights and fundamental freedoms (Adopted at Paris on 19 November 1974 by the General Conference).¹⁰⁴
- Revised recommendation concerning technical and vocational education (Adopted at Paris on 19 November 1974 by the General Conference).¹⁰⁵
- Recommendation on the status of scientific researchers (Adopted at Paris on 20 November 1974 by the General Conference).¹⁰⁶

3. INITIAL SPECIAL REPORTS BY MEMBER STATES

(a) *Reports submitted to the General Conference at its eighteenth session*

At its eighteenth session, the General Conference considered the initial special reports¹⁰⁷ submitted by Member States on the action taken by them upon the Convention concerning the Protection of the World Cultural and Natural Heritage¹⁰⁸ and on the Recommendation concerning the Protection, at National Level, of the Cultural and Natural Heritage which were adopted by the General Conference at its seventeenth session. Upon consideration of these initial special reports, the General Conference adopted a general report embodying its comments on the action taken by Member States and decided¹⁰⁹ that the general report be transmitted to Member States, to the United Nations, and to National Commissions, in accordance with Article 19 of the Rules of Procedure concerning recommendations to Member States and international conventions covered by the terms of Article IV, paragraph 4, of the Constitution.

¹⁰²See Report of Rapporteur, Document UNESCO/WIPO/CONFESAT/42, 27 p. and Annexes, English, French, Russian, Spanish.

¹⁰³See Draft Final Report of the Conference, Document ED-74/COREDIAL/5 (prov.), 6 p. and Annexes, English, French, Spanish.

¹⁰⁴See Documents 18 C/24, 12 July 1974, 1 p. and Annexes, English, French, Russian, Spanish, and 18 C/Res. 38, 19 November 1974, English, French, Russian, Spanish.

¹⁰⁵See Document 18 C/25, 26 August 1974, 1 p. and Annexes, English, French, Russian, Spanish, and 18 C/Res. 39, 19 November 1974, English, French, Russian, Spanish.

¹⁰⁶See Documents 18 C/26, 12 July 1974, 1 p. and Annexes, English, French, Russian, Spanish, 18 C/26 Add., 17 October 1974, 1 p., English, French, Russian, Spanish, and 18 C/Res. 40, 20 November 1974, English, French, Russian, Spanish.

¹⁰⁷See Documents 18 C/22, 19 October 1974, 11 p., English, French, Russian, Spanish, 18 C/22 Add., 21 October 1974, 2 p., English, French, Russian, Spanish, 18 C/23, 18 October 1974, 10 p., English, French, Russian, Spanish, and 18 C/23 Add., 21 October 1974, 2 p., English, French, Russian, Spanish.

¹⁰⁸See *Juridical Yearbook*, 1972, p. 89.

¹⁰⁹See 18 C/Res.35.1, 20 November 1974, English, French, Russian, Spanish.

(b) *Reports to be submitted to the General Conference at its nineteenth session*

The General Conference, at its eighteenth session, reminded Member States of their obligation to forward to it, at least two months before the opening of its nineteenth session, initial special reports on the action taken by them on the Recommendation concerning education for international understanding, co-operation and peace and education relating to human rights and fundamental freedoms, on the Revised recommendation concerning technical and vocational education and on the Recommendation on the status of scientific researchers, adopted at its eighteenth session, and to include in these reports information on matters specified in paragraph 4 of resolution 50 adopted at its tenth session.¹¹⁰

4. COPYRIGHT AND NEIGHBOURING RIGHTS

(a) *Universal Copyright Convention as revised at Paris on 24 July 1971*

The Universal Copyright Convention as revised at Paris on 24 July 1971, the text of which contains provisions designed to meet the practical needs of developing countries for access to works protected by copyright, entered into force on 10 July 1974.

(b) *International Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organizations*¹¹¹—*Intergovernmental Committee*

The Intergovernmental Committee established by Article 32 of this Convention, for which the International Labour Office, UNESCO and the World Intellectual Property Organization (WIPO) jointly provide the Secretariat, adopted during its extraordinary session held from 6 to 10 May 1974, the text of a model law concerning the protection of performers, producers of phonograms and broadcasting organizations together with a commentary thereon.

(c) *Convention relating to the Distribution of Programme-Carrying Signals Transmitted by Satellite*

An International Conference of States on the distribution of programme-carrying signals transmitted by satellite was convened jointly by the Directors-General of UNESCO and WIPO at Brussels from 6 to 21 May 1974, for the purpose of concluding an international convention on the subject. At the close of its work, the Conference adopted the Convention relating to the Distribution of Programme-Carrying Signals Transmitted by Satellite. Under this Convention, which does not cover direct broadcasting by satellite, each contracting State undertakes to take adequate measures to prevent the distribution on or from its territory of any programme-carrying signal by any distributor for whom the signal is not intended. Deposited with the Secretary-General of the United Nations, the Convention will enter into force three months after the deposit of the fifth instrument of ratification, acceptance or accession.

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

Having examined the report submitted to it by the Director-General (18 C/34), the eighteenth session of the UNESCO General Conference adopted resolution 6.13¹¹² in which it expressed the opinion that it is desirable to prepare an international instrument on the protection of translators without in any way diminishing the protection which may be derived from existing international conventions relative to copyright, and that the instrument should take the form of a recommendation to Member States. The General Conference authorized the Director-General to convene a special committee with instructions to prepare a draft

¹¹⁰ See 18 C/Res. 36.1, 20 November 1974, English, French, Russian, Spanish.

¹¹¹ United Nations, *Treaty Series*, vol.496, p.43.

¹¹² 18 C/Res. 6.13, 21 November 1974, English, French, Russian, Spanish.

recommendation on this matter, suggesting measures of an essentially practical nature and not going beyond the protection accorded to authors by virtue of existing international conventions in the field of copyright, for submission to the General Conference at its nineteenth session.

(e) *Desirability of adopting an international instrument on the reprographic reproduction of works protected by copyright*

The eighteenth session of the General Conference, noting that the Intergovernmental Copyright Committee of the Universal Copyright Convention and the Executive Committee of the Berne Union, each insofar as it was concerned, decided to establish a sub-committee consisting of representatives of the States members of the said committees which will be charged with examining the reprographic reproduction of works protected by copyright, and that the Committees decided to continue the examination of this question at their next sessions which will be held in 1975, authorized the Director-General to take account of the results of the work of these sub-committees and of the views expressed by the above-mentioned committees of the copyright conventions and to prepare, if feasible, a draft recommendation for submission to the General Conference at its nineteenth session.¹¹³

(f) *International Copyright Information Centre—Double Taxation of copyright royalties*

Recognizing the seriousness of the economic problems that access to protected works raises in regard to copyright, and considering that changes in tax regulations applying to copyright royalties would be conducive to improving international relations with regard to this matter at the economic level, the eighteenth session of the General Conference authorized the Director-General to convene a Committee of Governmental Experts in 1975 to prepare a draft international agreement designed to avoid the double taxation of copyright royalties remitted from one country to another and decided that, if the Committee of Governmental Experts so recommends, an international conference of States shall be convened in order to approve the said agreement.¹¹⁴

5. HUMAN RIGHTS

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

The General Conference approved at its eighteenth session the draft questionnaire¹¹⁵ for the third periodic consultation of Member States on their implementation of the Convention and Recommendation against Discrimination in Education, adopted by the General Conference at its eleventh session, and urged all Member States to discharge their constitutional obligations by completing this questionnaire and returning it by a date to be specified in the letter transmitting the questionnaire to them.¹¹⁶

The replies from Member States to the questionnaire will be considered by the Executive Board's Committee on Conventions and Recommendations in Education whose report on them will be transmitted to the General Conference at its nineteenth session.

(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*

¹¹³ 18 C/Res. 6.14, 21 November 1974, English, French, Russian, Spanish.

¹¹⁴ 18 C/Res. 6.17, 21 November 1974, English, French, Russian, Spanish.

¹¹⁵ See Document 18 C/21, 20 September 1974, 5 p. and Annexes, English, French, Russian, Spanish.

¹¹⁶ See 18 C/Res. 37.1, 19 November 1974, E, F, R, S and 94 EX/Decision 4.2.1, 20 May-28 June 1974, English, French, Russian, Spanish.

(i) *Second Meeting*

The above-mentioned Commission held its second meeting at UNESCO Headquarters on 10 April 1974 on being convened by its Chairman. At that meeting, the Commission amended its Rules of Procedure, in accordance with Rule 60(1) of those Rules, so as to enable the election of the Chairman and the Vice-Chairman of the Commission and, in certain cases, the consultation of members of the Commission by the Chairman to take place by correspondence.¹¹⁷

(ii) *Members*

On the report of the Nominations Committee, the General Conference, at its eighteenth session re-elected on 21 November 1974 as members of the Commission for a term of six years each the following persons: Professor Alberto Méndez Pereira (Panama), Mrs. Emilie Radaody-Ralarosy (Madagascar) and Mr. Jean Thomas (France).¹¹⁸

On the report of the Nominations Committee and on the same date, the General Conference elected Dr. Ismael Antonio Vargas Bonilla (Costa Rica) as a member of the Commission to replace a deceased member of the Commission for the unexpired portion of the latter's term of office.¹¹⁹ The deceased had been elected for a six-year term on 6 November 1970 by the General Conference at its sixteenth session.

(iii) *Report*

In accordance with Article 19 of the Protocol instituting it, the Commission submitted, through the Executive Board to the General Conference at its eighteenth session, a report on its work since the seventeenth session of the General Conference.¹²⁰

(c) *Implementation of Executive Board's decision 93 EX/8.2 concerning the situation in Chile*

In accordance with paragraphs 11 and 12 of the above-mentioned decision adopted at the ninety-third session of the Executive Board, complaints¹²¹ received by UNESCO regarding violations of human rights in Chile were, after having been communicated to the Government of Chile, brought to the notice of the Board's Committee on Conventions and Recommendations in Education at the Committee's meeting held from 3 to 8 April 1974 specifically to consider these complaints.

In pursuance of paragraph 14 of the said decision 93 EX/8.2, the complaints concerned were also transmitted to the Secretary-General of the United Nations.

After having considered at its ninety-fourth and ninety-fifth sessions the report¹²² of the above-mentioned Committee and the report¹²³ by the Director-General on the action taken on decision 93 EX/8.2, the Board invited the Director-General to continue, *inter alia*, the action formulated in paragraphs 12 and 14 of that decision.¹²⁴

¹¹⁷See Annex of Document 18 C/93, 16 August 1974, 2 p., English, French, Russian, Spanish.

¹¹⁸See Document 18 C/NOM/9, 23 August 1974, 2 p. and Annexes, English, French, Russian, Spanish, and 18 C/Res. 6.112, 21 November 1974, English, French, Russian, Spanish.

¹¹⁹See Document 18 C/NOM/30, 10 October 1974, 2 p., English, French, Russian, Spanish, and 18 C/Res. 6.113, 21 November 1974, English, French, Russian, Spanish.

¹²⁰See Document 18 C/93, *op. cit.*

¹²¹See Documents 94 EX/CR/PRIV.1, 1 March 1974, 4 p. and Annexes, English, French, Russian, Spanish, 94 EX/CR/PRIV.1, Add.1, 28 March 1974, 1 p. and Annexes, English, French, Russian, Spanish, and 94 EX/CR/PRIV.1, Add.2, 2 April 1974, 7 p., English, French, Russian, Spanish.

¹²²See Document 94 EX/50, 19 April 1974, 5 p., English, French, Russian, Spanish.

¹²³See Document 94 EX/49, 30 April 1974, 5 p., English, French, Russian, Spanish.

¹²⁴See 95 EX/Decision 10.1, 18 September-23 November 1974, English, French, Russian, Spanish.

(d) *Examination of communications addressed to UNESCO in connexion with individual cases alleging a violation of human rights in education, science and culture*

In the year under review, three communications¹²⁵ of the nature indicated in the above title were, in accordance with the procedure provided for under decision 77 EX/8.3 adopted by the Executive Board at its seventy-seventh session, brought to the notice of the Board's Committee on Conventions and Recommendations in Education at its meeting of 17 May 1974, after they had been transmitted to the Government concerned. The reply¹²⁶ of the Government was also laid before the Committee whose report¹²⁷ was noted¹²⁸ by the Executive Board at its ninety-fourth session.

IV. INTERNATIONAL CIVIL AVIATION ORGANIZATION

1. REVISION OF THE WARSAW CONVENTION (1929) AS AMENDED BY THE HAGUE PROTOCOL (1955)

The 21st Session of the Legal Committee approved draft Articles on documentation and draft Articles relating to liability in respect of air mail and cargo in international carriage by air. The Committee decided unanimously that the draft Articles were ready for presentation to States as a final draft. Acting on this recommendation the Council decided on 4 December 1974, to convene in Montreal in September 1975 a diplomatic conference to consider, with a view to adoption, the draft Articles prepared by the Legal Committee.

2. STUDY OF THE ROME CONVENTION OF 1952

The Legal Committee considered this matter during its 21st Session and agreed that the revision of the Convention on Damage Caused by Foreign Aircraft to Third Parties on the Surface, as well as the study of a new separate instrument relating to liability for damage caused by noise and sonic boom should be referred to a Subcommittee of the Legal Committee which would meet early in 1975. Acting on this recommendation the Council decided, on 4 December 1974, to convene the session of the Subcommittee in Montreal from 8 to 23 April 1975.

3. AMENDMENT TO THE CONVENTION ON INTERNATIONAL CIVIL AVIATION (CHICAGO, 1944)

Amendment of Article 50(a) of the Chicago Convention increasing the membership of the Council from 30 to 33 was adopted at the 21st Session of the Assembly held in Montreal from 24 September to 15 October 1974.¹²⁹ The amendment shall enter into force when ratified by 86 Contracting States.

4. UNLAWFUL INTERFERENCE WITH INTERNATIONAL CIVIL AVIATION AND ITS FACILITIES

The Committee on Unlawful Interference with International Civil Aviation and its Facilities held seven meetings during the year. The Committee recommended for adoption by the Council the draft text developed by it and entitled "International Standards and Recom-

¹²⁵See Document 94 EX/CR/PRIV.3, 9 May 1974, 3 p. and Annex, English, French, Russian, Spanish.

¹²⁶See paragraph 8 of Document 94 EX/CR/PRIV.3, op.cit.

¹²⁷See paragraphs 22 and 23 of Document 94 EX/11, 20 June 1974, English, French, Russian, Spanish.

¹²⁸See paragraph 4 of 94 EX/Decision 4.2.1, 20 May-28 June 1974, English, French, Russian, Spanish.

¹²⁹See p. 100 of this *Yearbook*.

mended Practices—Security—Safeguarding International Civil Aviation Against Acts of Unlawful Interference”.

The Council, on 22 March 1974, adopted the said text with certain amendments and designated it as Annex 17 to the Convention on International Civil Aviation, to become applicable on 27 February 1975.

5. 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*.

V. WORLD BANK

INTERNATIONAL CENTRE FOR SETTLEMENT OF INVESTMENT DISPUTES (ICSID)

Signatures and Ratifications of the Convention on the Settlement of Investment Disputes between States and Nationals of Other States

During 1974 and 1975, the Convention on the Settlement of Investment Disputes between States and Nationals of Other States¹³⁰ (hereinafter referred to as the Convention) was signed by Australia, Gambia and Romania, and ratified by Gambia. As of April 1, 1975, 71 States had signed the Convention and 66 States had deposited their instruments of ratification.¹³¹

Advance acceptance of the jurisdiction of the Centre

There has been a further growth in the number of compromissory clauses evidencing the consent of parties to investment agreements to submit future disputes to the Centre. Some of these agreements come to the attention of the Centre through their inclusion in official publications of the host States; others are sent to the Centre by one of the parties to the investment agreement. The Convention does not require notification to the Centre of the conclusion of agreements providing for recourse to the jurisdiction of the Centre in case of disputes arising in the future. As a result, the Centre has no way of arriving at an accurate judgement of the frequency with which ICSID clauses are used. A continuing upward trend is however indicated by the increasing number of inquiries regarding the use of ICSID clauses in new types of investment arrangements and new fields of investment including joint ventures and loan and credit agreements in the so-called Euro credit market and elsewhere. It may be useful to recall that the Centre has prepared a set of model clauses for use in international investment agreements¹³² and that the Secretariat stands ready to assist parties in the formulation of clauses for situations which are not covered by the model clauses.

Progress in the acceptance of the jurisdiction of the Centre was also made in bilateral treaties¹³³ for the protection and promotion of foreign investments and in the investment legislation of host countries. The parties to those instruments have thereby accepted resort to the settlement machinery of the Convention at the initiative of a private investor and sometimes at the initiative of the host State.¹³⁴

¹³⁰Reproduced in the *Juridical Yearbook*, 1966, p. 196.

¹³¹The list of Contracting States and Other Signatories of the Convention is reproduced in Document ICSID/3.

¹³²Document ICSID/5.

¹³³It may be recalled that the Centre has prepared a set of model clauses (Document ICSID/6) for use in such treaties.

¹³⁴Document ICSID/9 lists the provisions relating to ICSID in international agreements and national laws.

Submission of disputes to the Centre

On January 13, 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 United States corporation). The Arbitral Tribunal was constituted on March 29, 1972, and held its opening session on April 20, 1972. The President of the Tribunal is Judge Sture Petré (from Sweden) and the other two members are Sir John Foster (from the United Kingdom) and Professor Paul Reuter (from France). The proceedings are still pending.¹³⁵

On March 6, 1974, the Secretary-General registered a request for arbitration by Adriano Gardella SpA (an Italian company) against the Government of Ivory Coast. The dispute was submitted on the basis of an ICSID arbitration clause in an agreement between the parties. The Arbitral Tribunal was constituted on October 7, 1974, and held its first session on November 25, 1974. The President of the Tribunal is Mr. André Panchaud (from Switzerland) and the two members are Me. Dominique Poncet (from Switzerland) and Me. Edouard Zellweger (from Switzerland).

On June 21, 1974, the Secretary-General registered three requests for arbitration against the Government of Jamaica. These disputes were submitted by Alcoa Minerals of Jamaica, Inc., Kaiser Bauxite Company, and Reynolds Jamaica Mines/Reynolds Metals Company, nationals of the United States, on the basis of ICSID dispute settlement clauses in agreements between the respective companies and the Government of Jamaica. The three Arbitral Tribunals (whose composition is identical) were constituted on December 16, 1974, and held their opening session on April 1, 1975. The President of the Tribunals is Mr. Jorgen Trolle (from Denmark) and the other two members are Sir Michael Kerr (from the United Kingdom) and Mr. Fuad Rouhani (from Iran).

Investment laws of the world

The Centre's investment legislation project is now being presented in the form of a loose-leaf service prepared by the Centre and published by Oceana Publications, Inc. of Dobbs Ferry, New York. It deals on a country-by-country basis with internal law and international agreements affecting foreign investment and consists of a compilation of constitutional, legislative, regulatory and treaty materials. These materials have been computer-prepared and coded in such a way as to provide for uniformity of treatment of the countries covered in the publication. The material is arranged by titles and has concordance tables with cross-references. It will be periodically updated and supplemented as necessary with the assistance of a network of national correspondents. The publication is initially limited to 50 developing nations that are parties to the Convention. Six volumes are projected of which the first five are already available from the publisher.

Action by contracting States pursuant to the Convention

Pursuant to Article 13 of the Convention, each Contracting State may designate up to four persons to serve on each of the two Panels maintained by the Centre, and the Chairman of the Administrative Council may designate up to ten persons to each Panel. 40 States, as well as the Chairman, have made designations and the names of 134 persons now appear on the Panel of Conciliators and 138 on the Panel of Arbitrators.¹³⁶

Three countries have notified the Centre, pursuant to Article 25(4) of the Convention, of the classes of disputes it would or would not consider submitting to the jurisdiction of the Centre.¹³⁷

¹³⁵ Relevant procedural data concerning the progress of this case is presented in the Seventh and Eighth Annual Reports of the Centre.

¹³⁶ A list of the members of both Panels is set forth in Document ICSID/10.

¹³⁷ The text of the notifications can be found in Document ICSID/8 which lists the Contracting States and the actions taken by them pursuant to the Convention.

There have also been further designations under Article 54(2) of the Convention (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). 46 States have so far notified the Centre of such designations.

VI. INTERNATIONAL MONETARY FUND

Reform of the International Monetary System and Organization

On 26 July 1972, the Board of Governors adopted Resolution No. 27-10, which established an ad hoc Committee of the Board of Governors on Reform of the International Monetary System and Related Issues (Committee of Twenty) and instructed it to advise and report to the Board of Governors with respect to all aspects of reform of the international monetary system. On 24 September 1973, the Chairman of the Committee submitted to the Board of Governors an interim report on the work of the Committee, together with a *First Outline of Reform* prepared by the Chairman and Vice-Chairmen of the Deputies of the Committee. The Committee of Twenty presented its final report together with an *Outline of Reform* on 14 June 1974.¹³⁸

The Legal Department collaborated in the reports and in the subsequent decisions taken by the Executive Directors in connection with the immediate steps agreed for the interim period.¹³⁹ These steps included, *inter alia*, (1) the establishment of an Interim Committee of the Board of Governors on the International Monetary System; (2) the strengthening of Fund procedures for closer international consultation and surveillance of the adjustment process; (3) the adoption of appropriate guidelines for the management of floating exchange rates; (4) the establishment of a facility in the Fund to assist members in meeting the initial impact of increased oil import costs; (5) the adoption of an interim method of valuing the special drawing right against currencies in transactions; (6) an extended facility designed to give medium-term assistance to members in special circumstances of balance of payments difficulty; and (7) the preparation of a broad revision of the Articles of Agreement¹⁴⁰ for further examination by the Interim Committee and for possible recommendation at an appropriate time to the Board of Governors as an amendment of the Articles.

Amendment of the Articles of Agreement

The Legal Department prepared draft amendments of the Articles of Agreement on a broad range of issues for consideration by the Executive Directors. These drafts covered twenty or more main topics and included, *inter alia*, (a) gold; (b) a permanent Council with decision-making powers; (c) exchange arrangements; (d) a Substitution Account through which gold could be exchanged for special drawing rights; (e) improvements in the General Account and modernization of its operations and transactions; (f) improvements in the characteristics of and the extension of the use of the special drawing right; and (g) the link.

These draft amendments were considered by the Executive Directors toward the end of 1974 and a report on the progress made was submitted for the consideration of the Interim Committee at its meeting in January 1975.

¹³⁸ *IMF Survey* (Washington) 3:193-208, June 17, 1974; *International Monetary Reform: Documents of the Committee of Twenty* (Washington, International Monetary Fund, 1974), pp. 3-48.

¹³⁹ See, for some of these decisions, *Annual Report of the Executive Directors for the Fiscal Year Ended April 30, 1974* (Washington, International Monetary Fund, 1974), pp. 108-128. (Hereinafter referred to as *Annual Report*, 1974.)

¹⁴⁰ United Nations, *Treaty Series*, vol.2, p. 39.

Exchange rates

On 13 June 1974 the Executive Directors decided to recommend, pursuant to Article IV, Section 4(a), of the Articles of Agreement, that members of the Fund should use their best endeavors to observe the "Guidelines for the Management of Floating Exchange Rates".¹⁴¹ It was also decided that consultations with members with floating currencies would be based on the memorandum and that these guidelines would be reviewed from time to time in order to make any adjustments that might be appropriate.

General Account

The Executive Directors adopted a decision on 13 June 1974 that the rate of remuneration payable by the Fund on super-gold tranche positions would be 5 per cent per annum for the first six-month period, 1 July–31 December 1974, and that the rate of remuneration for each subsequent period of six months would be 5 per cent per annum minus three-fifths of the amount by which 9 per cent exceeds, or plus three-fifths of the amount by which 11 per cent is exceeded by, the combined market interest rate as determined in accordance with this decision. However, in order to bring the Fund's income and expenses into balance without raising the Fund's charges to undesirably high levels, it was decided that, for the next two years, a lower rate of remuneration would be paid on the segment of the super-gold tranche corresponding to the Fund's holdings of currencies between 75 and 50 per cent of quotas during any periods when the basic rate of remuneration was above $3\frac{1}{4}$ per cent; the lower rate would be $2\frac{1}{2}$ per cent or half the basic rate of remuneration, whichever was higher. Moreover, the lower rate would be increased to the extent that the Fund's net income permitted. Rule I-10 of the Rules and Regulations was amended on 13 June 1974 to reflect these decisions.¹⁴²

The Executive Directors also decided to establish a revised schedule of charges on use of the Fund's resources through the General Account. The revised charges ranged from 4 per cent on amounts outstanding up to one year, to 6 per cent for amounts outstanding from four to five years, except those resulting from purchases under the oil facility. Rule I-4(f), (g), and (h) of the Rules and Regulations was amended on June 13, 1974 to give effect to these changes.¹⁴³

Special Facilities

The Fund established by its decision of June 13, 1974 a temporary facility to assist members in balance of payments difficulty to meet the initial impact of the increase in the cost of importing petroleum and petroleum products. The resources made available under this decision were to be supplementary to any assistance that members might need under other policies on the use of the Fund's resources because of balance of payments problems.¹⁴⁴

With a view to obtaining resources that were needed to finance purchases under this special facility, the Fund adopted a decision on June 13, 1974, setting out in its Annex the basis for the terms and conditions on which it would wish to borrow the currencies of members for this purpose under Article VII, Section 2(i) of the Articles of Agreement.¹⁴⁵

The Fund also established on 13 September 1974 an extended facility to provide medium-term assistance for members in certain special circumstances of balance of payments difficulty, which was likely to benefit developing members in particular. The extended facility was a novel adaptation of Fund practice in that an extended arrangement would provide assurance of support by the Fund for a period up to three years, whereas the usual duration of a stand-by arrangement did not exceed 12 months. Moreover, amounts made available under the

¹⁴¹ Attached to Executive Directors' Decision No. 4232-(74/67) (reproduced in *Annual Report*, 1974, pp. 112-116); *Selected Decisions of the International Monetary Fund and Selected Documents*, Seventh Issue (Washington, 1975), pp. 21-30. (Hereinafter referred to as *Selected Decisions*.)

¹⁴² *Annual Report*, 1974, pp. 118-19.

¹⁴³ *Ibid.*, pp. 120-21.

¹⁴⁴ *Ibid.*, pp. 122-24; *Selected Decisions*, pp. 71-75.

¹⁴⁵ *Ibid.*, pp. 124-26; *Selected Decisions*, pp. 107-11.

extended facility could be repaid within an outside range of four to eight years after each purchase instead of three to five years.¹⁴⁶

Special Drawing Account

On 1 February 1974, the Executive Directors of the Fund approved the submission of a draft resolution to the Board of Governors recommending the extension for an additional period of 240 days ending on 31 October 1974, of the suspension of the operation of Article XXV, Section 8(a) with respect to transactions under Article XXV, Section 2(b)(i), which was decided by the Executive Directors for a period of 120 days ending on 5 March 1974.¹⁴⁷ The draft resolution was adopted by the Board of Governors as Resolution No. 29-2, effective 4 March 1974.¹⁴⁸ The suspension facilitated the use of special drawing rights in settlements by members that had made arrangements for common margins for exchange transactions, although the suspension was not limited to these settlements.

On 13 June 1974 the Executive Directors adopted a decision on interim valuation of the special drawing right and on the method of determining and collecting exchange rates for this and related purposes. This decision, which amended Rule 0-3 of the Fund's Rules and Regulations, gave effect, as from July 1, 1974, to the "standard basket" system of valuation for an interim period.¹⁴⁹ The decision was to be reviewed two years from the date of its adoption. The Executive Directors also adopted a decision on the same day establishing the rate of interest on the special drawing right at 5 per cent per annum. The interest rate on the special drawing right would be the same as the basic rate of remuneration on super-gold tranche positions of members in the General Account, and unless the Executive Directors decided otherwise after an initial period of six months, both rates would be adjusted on the basis of the weighted average of short-term market interest rates in the United States, the Federal Republic of Germany, the United Kingdom, France, and Japan.¹⁵⁰

Finally, the Fund, by a Resolution of the Board of Governors adopted on January 21, 1974, prescribed the Bank for International Settlements (BIS) as a holder of special drawing rights¹⁵¹ and the terms and conditions on which it could accept, hold and use them.

Consultations on Member's Policies

The Community of Twenty on 18 January 1974 reviewed important recent developments and agreed that, "in the present difficult circumstances," all members should avoid the adoption of policies that would aggravate the problems of other members. Accordingly, the Committee stressed the importance of avoiding competitive depreciation and the escalation of restrictions on trade and payments. The Executive Directors adopted a decision on 23 January 1974 calling on all members to collaborate with the Fund in accordance with Article IV, Section 4(a) with a view to attaining these objectives. The decision further stated that the consultations of the Fund on member's policies would be conducted with a view to attaining these objectives.¹⁵²

General Arrangements to Borrow

The Executive Directors of the Fund approved on 23 October 1974 an extension of the Fund's General Arrangements to Borrow (GAB), which enabled the Fund to supplement its resources by borrowing up to the equivalent of about 5.5 billion SDRs in the currencies of the

¹⁴⁶ *IMF Press Release No. 74/43*, September 15, 1974; *Selected Decisions*, pp. 50-53.

¹⁴⁷ *Annual Report*, 1974, p. 109.

¹⁴⁸ *Summary Proceedings of the Twenty-Ninth Annual Meeting of the Board of Governors*, 30 September-4 October 1974 (Washington), p. 359.

¹⁴⁹ *Annual Report*, 1974, pp. 116-18.

¹⁵⁰ *Ibid.*, pp. 118-19.

¹⁵¹ *Ibid.*, pp. 109-110.

¹⁵² *Ibid.*, p. 108; *Selected Decisions*, p. 125.

ten participants in the Arrangements (the Group of Ten). These Arrangements entered into force on 24 October 1962 for an initial period of four years, and they were renewed for another period of four years in 1966 and a further period of five years in 1970, i.e., until 23 October 1975. The decision of 23 October 1974 extended the effectiveness of the GAB for a five-year period dating from 24 October 1975.¹⁵³

Technical Assistance

Technical assistance was provided to the authorities of many members in the drafting of legislation and implementing regulations in the fields of foreign exchange, central banking, taxation, and related matters.

Negotiable Instruments

Members of the Fund's Legal Department were associated with and collaborated in the work of a Working Group on International Negotiable Instruments, especially in its consideration of a Draft Uniform Law on International Bills of Exchange and Promissory Notes, prepared by the Secretariat of the United Nations Commission on International Trade Law in consultation with interested international organizations.¹⁵⁴

VII. UNIVERSAL POSTAL UNION

I. GENERAL QUESTIONS

- (a) *Exclusion of the Republic of South Africa from the 17th Congress of the UPU and from all other Congresses and meetings of the Universal Postal Union (Resolution C 2)*

Having taken into consideration the many United Nations and UPU resolutions on the policy of the South African Government, the Congress condemned vigorously the policy of *apartheid* and the oppressive measures practised by the South African Government; it contested the minority representation of the South African Government and consequently decided to exclude the Government of the Republic of South Africa from the 17th Congress and from all other Congresses or meetings of the UPU.

- (b) *Participation by national liberation movements in the meetings of the UPU (Resolution C 3)*

On the basis of United Nations General Assembly resolution 3118 (XXVIII) and resolutions adopted by certain United Nations specialized agencies (ITU, FAO, WHO), the Congress decided that national liberation movements recognized by the Organization of African Unity or by the League of Arab States might attend UPU Congresses as observers.

- (c) *Assistance to national liberation movements (Resolution C 4)*

Having again recalled United Nations General Assembly resolution 3118 (XXVIII), the Congress decided to instruct the Executive Council of the UPU and the International Bureau to take all steps calculated to give concrete material help to those movements.

- (d) *Representation of the Organization of African Unity (OAU) (Decision C 92)*

The Congress decided to admit the Organization of African Unity to take part, as an observer, in the work of the 17th Congress and in all future meetings of the bodies of the UPU.

¹⁵³ *IMF Press Release* No. 74/47, October 24, 1974; *IMF Survey* (Washington) 3:347, 4 November 1974; *Selected Decisions*, pp. 105-06.

¹⁵⁴ See sub-section VII of section A above.

(e) *Recommendations by the United Nations concerning the implementation by the specialized agencies of the Declaration on decolonization (Decision C 93)*

The Congress approved the report by the Director-General on the implementation by the specialized agencies of the Declaration on the Granting of Independence to Colonial Countries and Peoples. It recommended that the practice followed thus far should be continued and the measures taken over the past few years should be intensified.

(f) *Admission of the Republic of Guinea-Bissau and the Democratic People's Republic of Korea as member countries of the UPU (Resolutions C 5 and C 6)*

The Congress decided to approve the requests for admission to the UPU submitted by the Republic of Guinea-Bissau and the Democratic People's Republic of Korea, requests which had been addressed to the Government of the Swiss Confederation in accordance with the procedure established in article 11 of the UPU Constitution.

(g) *Decade for Action to Combat Racism and Racial Discrimination (Resolution C 8)*

Wishing to make its contribution in this field also to the work undertaken within the framework of the United Nations, the Congress invited member countries to co-operate in the implementation of the Programme for the Decade for Action to Combat Racism and Racial Discrimination so far as their means and ability permitted. It also invited the Director-General of the International Bureau to follow the development of this question within the framework of the United Nations and to use the means of information at the UPU's disposal to participate in such action.

(h) *Distribution of Executive Council seats (Resolution C 11)*

Having approved an increase in the membership of the Executive Council to 40, the Congress decided to distribute the Council seats between the various geographical groups in the following way:

Western Hemisphere	8 seats
Eastern Europe and Northern Asia	4 seats
Western Europe	6 seats
Asia and Oceania	10 seats
Africa	11 seats

plus one seat for the chairmanship of the host country of the Congress (in this case Switzerland).

(i) *Procedure for the election of the Director-General and the Deputy Director-General (Resolution C 14)*

The Congress adopted the following procedure for the election of the Director-General and the Deputy Director-General which took place at the said Congress:

(i) The elections of the Director-General of the International Bureau and of the Deputy Director-General shall take place by secret ballot successively at one or more meetings held on the same day. The candidate who obtains a majority of the votes cast by the member countries present and voting shall be elected. As many ballots shall be held as are necessary for a candidate to obtain this majority.

(ii) "Member countries present and voting" shall mean member countries voting in favour of one of the candidates whose applications have been announced in due and proper form, abstentions and blank or null and void ballot papers being ignored in counting the votes required to constitute a majority.

(iii) If the number of abstentions and blank or null and void ballot papers exceeds half the number of votes cast in accordance with paragraph 2, the election shall be deferred to a later meeting, at which abstentions and blank or null and void ballot papers shall no longer be taken into account.

(iv) The candidate who obtains the least number of votes in any one ballot shall be eliminated.

(v) In the event of a tie, an additional ballot, and if necessary a second additional ballot shall be held in an attempt to decide between the tying candidates, the vote relating only to these candidates. If the result is inconclusive, the election shall be decided by drawing lots. The lots shall be drawn by the Chairman.

(j) *Non-autonomous territories (Resolution C 15)*

Since the UPU and the WMO are the only specialized agencies which grant full member-country status to certain groups of non-autonomous territories, the Congress decided to entrust the Executive Council with a study of the problem.

(k) *Admission of observers to and their participation in the meetings of the Executive Council and its Committees (Resolution C 16)*

Having taken into consideration the problems raised by the participation of observers at the plenary meetings and Committee meetings of the Executive Council, the Congress instructed the Council to study all the problems raised by the presence of observers as a whole at and their admission to such meetings.

(l) *Conversion rates applicable in the settlement of debts (Decision C 28)*

In view of current monetary problems, the Congress instructed the Executive Council to study the possibility of notifying member countries of the conversion rates applicable to the settlement of debts expressed in gold francs along the lines of the practice followed by the ITU.

(m) *Union practice on reservations and further study (Resolutions C 32 and C 35)*

Having endorsed the conclusions of the study carried out by the preceding Executive Council, the Congress confirmed the principle according to which reservations to the Acts of the Union must be made in the Final Protocols to those Acts, either on the basis of a proposal approved by the Congress, or in accordance with the procedure governing the amendment of the Acts between two Congresses. Upon admission or accession to the Union, new member countries may continue to benefit from reservations in the Final Protocols which were applicable to them previously in their capacity as part of a Union member country or because they were attached to the Union under article 3 (b) and (c) of the Constitution.

That confirmation was the subject of a resolution, but the Congress instructed the current Executive Council to consider the advisability of legislating in that field and to propose, as applicable, to the 18th Congress a provision for insertion in the Acts of the Union.

(n) *Study concerning the UPU language system (Resolution C 33)*

The Congress instructed the Executive Council:

- to consider the possibility of working at the International Bureau in other languages than the official one (French), and the consequence of such a measure;
- to consider the possibility of introducing Chinese, German and Russian for the supply of documents, and the consequences of such a measure and the order of introduction, taking account of the actual needs of each language group.

(o) *Choice of contribution class for the apportionment of the Union's expenditure (Decision C 34)*

The member countries of the UPU are free to choose the contribution class in which they wish to be placed for the purposes of their participation in the Union's expenditure. Having increased the number of contribution classes from seven to eight, the Congress invited the member countries of the Union as a whole to reconsider their participation in the UPU's expenditure in accordance with their economic possibilities and their financial undertakings within the framework of the United Nations and the specialized agencies. An open consultation on the subject failed to produce the desired result and the Congress therefore instructed the International Bureau to make a new appeal to all member countries of the Union to reconsider their choice of contribution class.

(p) *Legal and technical possibilities of maintaining postal relations in cases of disputes, conflict or war (Resolution C 37)*

Considering the peaceful and humanitarian role played by the UPU in helping to bring peoples and individuals together, and convinced of the need to maintain postal exchanges, as far as possible, with or between regions afflicted by disputes, disturbances, conflicts or wars, the Congress appealed urgently to the Governments of member countries, as far as possible and unless the United Nations General Assembly or Security Council had decided otherwise (in accordance with Article 41 of the United Nations Charter), not to interrupt or hinder postal traffic—especially the exchange of correspondence containing messages of a personal nature—in the event of dispute, conflict or war, the efforts made in that direction being applicable to the countries directly concerned.

It also authorized the Director-General of the International Bureau:

(i) To take what initiatives he considered advisable to facilitate, while respecting national sovereignties, the maintenance or re-establishment of postal exchanges with or between the parties to a dispute, conflict or war;

(ii) To offer his "good offices" to find a solution to postal problems which might arise in the event of a dispute, conflict or war.

2. POSTAL QUESTIONS

(a) *Safety of staff involved in handling items presumed to be dangerous (Decision C 56)*

The Congress instructed the Consultative Council for Postal Studies to undertake a study on the protective measures to be applied in order to ensure the safety of postal staff involved in handling items presumed to be dangerous (booby-trapped items).

(b) *Affirmation of the principles of freedom of transit with regard to so-called "hijacking" activities (Resolution C 60)*

Considering that so-called "hijacking" activities perpetrated throughout the world might directly or indirectly affect the principles of freedom of transit and the inviolability of postal items, the Congress declared that mails, regardless of what they might be or to which category they might belong, were inviolable even when affected by so-called "hijacking" activities and that the subsequent forwarding of the said mails must be assured on a priority basis by the country where the aircraft had landed or been freed, even if that aircraft was the subject of disputes of a non-postal nature.

3. TECHNICAL ASSISTANCE

(a) *Principles of UPU technical assistance activities (Resolution C 78)*

The Congress decided:

(1) To intensify, in so far as available means permitted, work relating to UPU participation in the Second United Nations Development Decade;

(2) To give priority to the needs of the administrations of countries whose postal systems were the least developed;

(3) To devote the bulk of the Union's efforts during the second part of the Decade to activities aimed at:

- Improving the conveyance and delivery of mail, especially in rural areas;
- Increasing the number of postal establishments;
- Maximizing the air conveyance of all categories of items;
- Instituting on a general basis the monetary articles service (money orders, giro, postal savings bank, etc.);
- Creating means of postal training up to senior managerial level in developing regions;
- Improving postal staff management and utilization.

It also instructed the Executive Council to draft, on the basis of the priorities so defined, the broad lines of a policy conducive to reinforcing UPU technical co-operation activities and taking account of UNDP procedures and bilateral assistance programmes.

Lastly, it invited the Director-General of the International Bureau to continue his efforts to integrate UPU activity with the country and intercountry programming activities of the UNDP and to stress the following principles:

(1) The co-ordination and if possible the integration of activities for the furthering of postal development;

(2) As high a degree as possible of decentralization of UPU technical assistance activities;

(3) Development of UPU collaboration with the Restricted Unions, taking account of UNDP procedures and the means at the disposal of those regional organizations;

(4) Increasing the effectiveness of activities, especially by organizing evaluation and follow-up studies and activities.

(b) Increased participation by developing countries in the preparation and implementation of technical assistance programmes (Recommendation C 79)

The Congress appealed to the Governments of the developing countries to give favourable consideration to postal projects as regards the order of priority to be given to them in the preparation of country programmes for submission to the UNDP or for implementation through other sources of financing, thus taking account of the "Memorandum on the role of the Post as a factor in economic, social and cultural development" published by the UPU within the framework of the Second United Nations Development Decade.

It recommended to the postal administrations of the developing countries:

(1) That they should draft plans or define priorities for the development of their services in such a way as to make it easier for the national authorities to take the needs of the Post into consideration;

(2) That they should supply the International Bureau systematically with all the data that it required in order to play an effective part in preparing the relevant UNDP programmes;

(3) That they should endeavour to derive maximum possible benefit from available aid and that in order to do so they should:

- Allow local officials to work more closely with the postal development experts and specialists;
- Designate qualified counterparts to be attached to the experts throughout their missions, so as to ensure that the counterparts were trained and that the experts' work was continued;
- Increase their participation in the training or specialization courses organized nationally or internationally;

—Make the best use of the knowledge and skills required by those officials who had followed the courses in question;

(4) That they should make every effort to give experts every possible assistance in the accomplishment of their work, thereby encouraging postal officials from developed countries to undertake missions in developing countries;

(5) That they should approach the competent authorities of their countries with a view to their paying special attention to the development of the transport infrastructure.

(c) *Financing UPU technical assistance activities (Resolution C 80)*

The Congress decided:

(1) To draw most particularly the attention of the UNDP to the possibilities of increasing the funds allocated to UPU country or intercountry activities for postal development;

(2) To maintain, for short-term missions, the six specialists' posts while not discarding the possibility of seeking the help of administrations for similar missions.

It recommended:

(1) Developing countries to try to devote to postal projects a sufficient proportion of the sums allocated by the UNDP and, if possible, to contribute some of their own resources to financing the activities concerning them;

(2) Developed countries to increase and plan their contributions in cash or kind to the Special Fund and increase their own aid either directly or through the International Bureau, especially by financing urgent projects rejected by the UNDP, yet highlighted by the International Bureau.

(d) *Faster implementation of UPU projects under the UNDP (Recommendation C 83)*

The Congress recommended:

The Executive Council and the International Bureau to support UNDP efforts in respect of the execution of technical assistance projects and to make every effort to cut out the delays observed, in particular between the approval of projects and the starting up of the corresponding activities, while leaving enough time to the administrations to which appeals had been made for experts;

The administrations of developing countries to take at a local level all the necessary steps for the competent national authorities to choose without delay from the applications of experts submitted to them;

The administrations providing experts to make appropriate arrangements for the quick release of the experts selected.

VIII. INTER-GOVERNMENTAL MARITIME CONSULTATIVE ORGANIZATION

1. INTERNATIONAL CONFERENCES CONVENED BY IMCO IN 1974

The International Legal Conference on the Carriage of Passengers and their Luggage on Board Ships, held in Athens, adopted the Athens Convention Relating to the Carriage of Passengers and their Luggage by Sea, 1974. This Convention harmonizes, in a single instrument, both the International Convention on the Unification of Certain Rules Relating to the Carriage of Passengers by Sea, 1961 and the International Convention for the Unification of Certain Rules Relating to the Carriage of Passengers Luggage by Sea, 1967, and establishes higher per capita limits for personal injuries.

The International Conference on Safety of Life at Sea, held in London, adopted the International Convention for the Safety of Life at Sea, 1974 which, *inter alia*, incorporates a

series of amendments to the International Convention for the Safety of Life at Sea, 1960: these include new regulations on fire protection for passenger ships and tankers and on the carriage of grain in bulk. It also incorporates a more speedy procedure for adopting future amendments and bringing them into force, which was one of the chief objectives of the Conference.

2. DECISIONS AND OTHER LEGAL ACTIVITIES

Amendments to IMCO Convention

The Assembly at its eighth session adopted Resolution A. 314(VIII) by which it was decided to convene in October 1974 an extraordinary session of the Assembly to consider the recommendations of the *Ad Hoc* Working Group and possible further proposals related to the size and composition of Council and the Maritime Safety Committee and any consequential related amendments and to adopt amendments to the Convention on the Inter-Governmental Maritime Consultative Organization, as appropriate.

The fifth extraordinary session of the Assembly, held in London, having considered the report and recommendations of the *Ad Hoc* Working Group, adopted (Resolution A.315(ES.V)¹⁵⁵ amendments to Articles 10, 16, 17, 18, 20, 28, 31 and 32 of the Convention of IMCO, the effect of which is, *inter alia*, to enlarge the composition of the Council from 18 to 24 members (Article 17) and to open participation in the Maritime Safety Committee to all members of the Organization (Article 28). Besides, with Resolution A.317(ES.V) the Assembly decided to convene in February 1975 an *Ad Hoc* Working Group to study proposals of amendments to the IMCO Convention relating, *inter alia*, to the powers of the Council and the institutionalization of the Legal Committee and the Marine Environment Protection Committee.

Legal questions considered by the Legal Committee

The Legal Committee considered, *inter alia*:

- (a) Questions relating to wreck removal and related issues (21st and 24th sessions);
- (b) Draft Articles of a Convention Relating to the Carriage of Passengers and their Luggage on Board Ships with a view to preparing a draft convention for submission to a diplomatic conference in 1974 (22nd session);
- (c) Questions relating to the Review of the 1957 Convention Relating to the Limitation of the Liability of Owners of Sea-Going Ships (23rd session).

IX. INTERNATIONAL ATOMIC ENERGY AGENCY

I. STATUTE AND MEMBERSHIP OF THE AGENCY: ACTION TAKEN BY STATES IN CONNEXION WITH THE STATUTE

(a) The Agency's membership at the end of 1974 stood at 106, the Democratic People's Republic of Korea having become a Member by depositing an Instrument of Acceptance of the Agency's Statute with the depositary Government (United States of America) on 18 September 1974 and Mauritius having become a member by depositing an Instrument of Acceptance of the Agency's Statute with the depositary Government on 31 December 1974.

(b) By the end of 1974, 84 Member States had deposited an Instrument of Acceptance of the Amendment to Article VI.A-D of the Statute of the Agency, which Amendment had entered into force on 1 June 1973.

¹⁵⁵ Reproduced on p. 103 of this *Yearbook*.

2. LEGAL ACTIVITIES

(a) In May 1974, a group of experts discussed the problem of the relationship between the Vienna Convention on Civil Liability for Nuclear Damage and the Paris Convention on Third Party Liability in the Field of Nuclear Energy and examined a draft protocol intended to establish reciprocity of treatment between the parties to both Conventions. This problem is expected to be considered by the Standing Committee of the Vienna Convention depending on progress of the work now under way within the Group of Governmental Experts of the OECD/Nuclear Energy Agency in which the IAEA is co-operating.

(b) At the XVIIIth regular session of the General Conference, amendments to its Rules of Procedure¹⁵⁶ were adopted.¹⁵⁷ These amended Rules were designed to streamline the work of the General Conference and to simplify the organizational aspect, without impairing the efficient discharge of the General Conference's functions.

(c) The Agency provided recommendations to the Marine Environment Committee of IMCO concerning radioactive materials to be included in the list annexed to the Protocol Relating to Intervention on the High Seas in Cases of Marine Pollution by Substances Other than Oil.¹⁵⁸

(d) In September 1974, the Board of Governors authorized the Director General of the Agency to transmit the Provisional Definition and Recommendations Concerning Radioactive Wastes and Other Radioactive Matter,¹⁵⁹ referred to in Annexes I and II to the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter, to the Government of the United Kingdom of Great Britain and Northern Ireland for the purposes of the Convention, and to inform that Government that the said Provisional Definition and Recommendations, which should not be construed as encouraging in any way the dumping at sea of radioactive wastes and other radioactive matter, would be subject to periodic reviews and revision by the Agency.

(e) Advisory services in legislation and regulatory matters connected with the planning of nuclear power projects were provided to the Governments of Malaysia and Singapore in November 1974. Advice was also given to the authorities of Lebanon in October 1974 for the elaboration of a radiation protection act.

(f) In December 1974, a Study Group on Regulations and Procedures for Licensing Nuclear Installations was organized in Athens, in collaboration with the Greek Atomic Energy Commission. The meeting, attended by 35 participants from 13 countries and the OECD/NEA, covered safety, regulatory, licensing and liability aspects of nuclear power projects and installations.

¹⁵⁶GC(XVIII)/537.

¹⁵⁷GC(XVIII)/RES/313.

¹⁵⁸Reproduced in the *Juridical Yearbook*, 1973, p. 91.

¹⁵⁹INFCIRC/205/Add.1.