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UNITED NATIONS JURIDICAL YEARBOOK

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

Chapter IV. Treaties concerning international law concluded under the auspices of the United Nations and related inter-governmental organizations



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Chapter IV

TREATIES CONCERNING INTERNATIONAL LAW CONCLUDED UNDER THE AUSPICES OF THE UNITED NATIONS AND RELATED INTER-GOVERNMENTAL ORGANIZATIONS

A. Treaties concerning international law concluded under the auspices of the United Nations

I. CONVENTION ON REGISTRATION OF OBJECTS LAUNCHED INTO OUTER SPACE. ADOPTED BY THE GENERAL ASSEMBLY ON 12 NOVEMBER 1974¹

The States Parties to this Convention,

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

Recalling that the Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies of 27 January 1967² affirms that States shall bear international responsibility for their national activities in outer space and refers to the State on whose registry an object launched into outer space is carried,

Recalling also that the Agreement on the Rescue of Astronauts, the Return of Astronauts and the Return of Objects Launched into Outer Space of 22 April 1968³ provides that a launching authority shall, upon request, furnish identifying data prior to the return of an object it has launched into outer space found beyond the territorial limits of the launching authority,

Recalling further that the Convention on International Liability for Damage Caused by Space Objects of 29 March 1972⁴ establishes international rules and procedures concerning the liability of launching States for damage caused by their space objects,

Desiring, in the light of the Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies, to make provision for the national registration by launching States of space objects launched into outer space,

Desiring further that a central register of objects launched into outer space be established and maintained, on a mandatory basis, by the Secretary-General of the United Nations,

¹ By resolution 3235 (XXIX) of 12 November 1974, the General Assembly, noting with satisfaction that the Committee on the Peaceful Uses of Outer Space and its Legal Sub-Committee had completed the text of the draft Convention on Registration of Objects Launched into Outer Space, commended the Convention on Registration of Objects Launched into Outer Space, requested the Secretary-General to open the Convention for signature and ratification at the earliest possible date and expressed its hope for the widest possible adherence to this Convention. The Convention was opened for signature on 14 January 1975.

² See *Juridical Yearbook*, 1966, p. 166.

³ See *Juridical Yearbook*, 1967, p. 269.

⁴ See *Juridical Yearbook*, 1971, p. 111.

Desiring also to provide for States Parties additional means and procedures to assist in the identification of space objects,

Believing that a mandatory system of registering objects launched into outer space would, in particular, assist in their identification and would contribute to the application and development of international law governing the exploration and use of outer space,

Have agreed on the following:

ARTICLE I

For the purposes of this Convention:

(a) The term “launching State” means:

(i) A State which launches or procures the launching of a space object;

(ii) A State from whose territory or facility a space object is launched;

(b) The term “space object” includes component parts of a space object as well as its launch vehicle and parts thereof;

(c) The term “State of registry” means a launching State on whose registry a space object is carried in accordance with article II.

ARTICLE II

1. When a space object is launched into earth orbit or beyond, the launching State shall register the space object by means of an entry in an appropriate registry which it shall maintain. Each launching State shall inform the Secretary-General of the United Nations of the establishment of such a registry.

2. Where there are two or more launching States in respect of any such space object, they shall jointly determine which one of them shall register the object in accordance with paragraph 1 of this article, bearing in mind the provisions of article VIII of the Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies, and without prejudice to appropriate agreements concluded or to be concluded among the launching States on jurisdiction and control over the space object and over any personnel thereof.

3. The contents of each registry and the conditions under which it is maintained shall be determined by the State of registry concerned.

ARTICLE III

1. The Secretary-General of the United Nations shall maintain a Register in which the information furnished in accordance with article IV shall be recorded.

2. There shall be full and open access to the information in this Register.

ARTICLE IV

1. Each State of registry shall furnish to the Secretary-General of the United Nations, as soon as practicable, the following information concerning each space object carried on its registry:

(a) Name of launching State or States;

(b) An appropriate designator of the space object or its registration number;

(c) Date and territory or location of launch;

(d) Basic orbital parameters, including:

(i) Nodal period,

(ii) Inclination,

- (iii) Apogee,
- (iv) Perigee;
- (e) General function of the space object.

2. Each State of registry may, from time to time, provide the Secretary-General of the United Nations with additional information concerning a space object carried on its registry.

3. Each State of registry shall notify the Secretary-General of the United Nations, to the greatest extent feasible and as soon as practicable, of space objects concerning which it has previously transmitted information, and which have been but no longer are in earth orbit.

ARTICLE V

Whenever a space object launched into earth orbit or beyond is marked with the designator or registration number referred to in article IV, paragraph 1 (*b*), or both, the State of registry shall notify the Secretary-General of this fact when submitting the information regarding the space object in accordance with article IV. In such case, the Secretary-General of the United Nations shall record this notification in the Register.

ARTICLE VI

Where the application of the provisions of this Convention has not enabled a State Party to identify a space object which has caused damage to it or to any of its natural or juridical persons, or which may be of a hazardous or deleterious nature, other States Parties, including in particular States possessing space monitoring and tracking facilities, shall respond to the greatest extent feasible to a request by that State Party, or transmitted through the Secretary-General on its behalf, for assistance under equitable and reasonable conditions in the identification of the object. A State Party making such a request shall, to the greatest extent feasible, submit information as to the time, nature and circumstances of the events giving rise to the request. Arrangements under which such assistance shall be rendered shall be the subject of agreement between the parties concerned.

ARTICLE VII

1. In this Convention, with the exception of articles VIII to XII inclusive, references to States shall be deemed to apply to any international intergovernmental organization which conducts space activities if the organization declares its acceptance of the rights and obligations provided for in this Convention and if a majority of the States members of the organization are States Parties to this Convention and to the Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies.

2. States members of any such organization which are States Parties to this Convention shall take all appropriate steps to ensure that the organization makes a declaration in accordance with paragraph 1 of this article.

ARTICLE VIII

1. This Convention shall be open for signature by all States at United Nations Headquarters in New York. Any State which does not sign this Convention before its entry into force in accordance with paragraph 3 of this article may accede to it at any time.

2. This Convention shall be subject to ratification by signatory States. Instruments of ratification and instruments of accession shall be deposited with the Secretary-General of the United Nations.

3. This Convention shall enter into force among the States which have deposited instruments of ratification on the deposit of the fifth such instrument with the Secretary-General of the United Nations.

4. For States whose instruments of ratification or accession are deposited subsequent to the entry into force of this Convention, it shall enter into force on the date of the deposit of their instruments of ratification or accession.

5. The Secretary-General shall promptly inform all signatory and acceding States of the date of each signature, the date of deposit of each instrument of ratification of and accession to this Convention, the date of its entry into force and other notices.

ARTICLE IX

Any State Party to this Convention may propose amendments to the Convention. Amendments shall enter into force for each State Party to the Convention accepting the amendments upon their acceptance by a majority of the States Parties to the Convention and thereafter for each remaining State Party to the Convention on the date of acceptance by it.

ARTICLE X

Ten years after the entry into force of this Convention, the question of the review of the Convention shall be included in the provisional agenda of the United Nations General Assembly in order to consider, in the light of past application of the Convention, whether it requires revision. However, at any time after the Convention has been in force for five years, at the request of one third of the States Parties to the Convention and with the concurrence of the majority of the States Parties, a conference of the States Parties shall be convened to review this Convention. Such review shall take into account in particular any relevant technological developments, including those relating to the identification of space objects.

ARTICLE XI

Any State Party to this Convention may give notice of its withdrawal from the Convention one year after its entry into force by written notification to the Secretary-General of the United Nations. Such withdrawal shall take effect one year from the date of receipt of this notification.

ARTICLE XII

The original of this Convention, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Secretary-General of the United Nations, who shall send certified copies thereof to all signatory and acceding States.

IN WITNESS WHEREOF the undersigned, being duly authorized thereto by their respective Governments, have signed this Convention, opened for signature at New York on 14 January 1975.

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

CONVENTION ON THE LIMITATION PERIOD IN THE INTERNATIONAL SALE OF GOODS. ADOPTED BY
THE CONFERENCE ON 12 JUNE 1974 AND OPENED FOR SIGNATURE ON 14 JUNE 1974*

Preamble

The States Parties to the present Convention,

Considering that international trade is an important factor in the promotion of friendly relations amongst States,

*A commentary on the Convention, to be prepared by the Secretariat in response to a request made by the Conference, will appear as document A/CONF.63/17.

Believing that the adoption of uniform rules governing the limitation period in the international sale of goods would facilitate the development of world trade,
Have agreed as follows:

PART I. SUBSTANTIVE PROVISIONS

Sphere of application

Article 1

1. This Convention shall determine when claims of a buyer and a seller against each other arising from a contract of international sale of goods or relating to its breach, termination or invalidity can no longer be exercised by reason of the expiration of a period of time. Such period of time is hereinafter referred to as "the limitation period".

2. This Convention shall not affect a particular time-limit within which one party is required, as a condition for the acquisition or exercise of his claim, to give notice to the other party or perform any act other than the institution of legal proceedings.

3. In this Convention:

(a) "buyer", "seller" and "party" mean persons who buy or sell, or agree to buy or sell, goods, and the successors to and assigns of their rights or obligations under the contract of sale;

(b) "creditor" means a party who asserts a claim, whether or not such a claim is for a sum of money;

(c) "debtor" means a party against whom a creditor asserts a claim;

(d) "breach of contract" means the failure of a party to perform the contract or any performance not in conformity with the contract;

(e) "legal proceedings" includes judicial, arbitral and administrative proceedings;

(f) "person" includes corporation, company, partnership, association or entity, whether private or public, which can sue or be sued;

(g) "writing" includes telegram and telex;

(h) "year" means a year according to the Gregorian calendar.

Article 2

For the purposes of this Convention:

(a) a contract of sale of goods shall be considered international if, at the time of the conclusion of the contract, the buyer and the seller have their places of business in different States;

(b) the fact that the parties have their places of business in different States shall be disregarded whenever this fact does not appear either from the contract or from any dealings between, or from information disclosed by, the parties at any time before or at the conclusion of the contract;

(c) where a party to a contract of sale of goods has places of business in more than one State, the place of business shall be that which has the closest relationship to the contract and its performance, having regard to the circumstances known to or contemplated by the parties at the time of the conclusion of the contract;

(d) where a party does not have a place of business, reference shall be made to his habitual residence;

(e) neither the nationality of the parties nor the civil or commercial character of the parties or of the contract shall be taken into consideration.

Article 3

1. This Convention shall apply only if, at the time of the conclusion of the contract, the places of business of the parties to a contract of international sale of goods are in Contracting States.
2. Unless this Convention provides otherwise, it shall apply irrespective of the law which would otherwise be applicable by virtue of the rules of private international law.
3. This Convention shall not apply when the parties have expressly excluded its application.

Article 4

This Convention shall not apply to sales:

- (a) of goods bought for personal, family or household use;
- (b) by auction;
- (c) on execution or otherwise by authority of law;
- (d) of stocks, shares, investment securities, negotiable instruments or money;
- (e) of ships, vessels or aircraft;
- (f) of electricity.

Article 5

This Convention shall not apply to claims based upon:

- (a) death of, or personal injury to, any person;
- (b) nuclear damage caused by the goods sold;
- (c) a lien, mortgage or other security interest in property;
- (d) a judgement or award made in legal proceedings;
- (e) a document on which direct enforcement or execution can be obtained in accordance with the law of the place where such enforcement or execution is sought;
- (f) a bill of exchange, cheque or promissory note.

Article 6

1. This Convention shall not apply to contracts in which the preponderant part of the obligations of the seller consists in the supply of labour or other services.
2. Contracts for the supply of goods to be manufactured or produced shall be considered to be sales, unless the party who orders the goods undertakes to supply a substantial part of the materials necessary for such manufacture or production.

Article 7

In the interpretation and application of the provisions of this Convention, regard shall be had to its international character and to the need to promote uniformity.

The duration and commencement of the limitation period

Article 8

The limitation period shall be four years.

Article 9

1. Subject to the provisions of articles 10, 11 and 12 the limitation period shall commence on the date on which the claim accrues.
2. The commencement of the limitation period shall not be postponed by:
 - (a) a requirement that the party be given a notice as described in paragraph 2 of article 1,or

(b) a provision in an arbitration agreement that no right shall arise until an arbitration award has been made.

Article 10

1. A claim arising from a breach of contract shall accrue on the date on which such breach occurs.
2. A claim arising from a defect or other lack of conformity shall accrue on the date on which the goods are actually handed over to, or their tender is refused by, the buyer.
3. A claim based on fraud committed before or at the time of the conclusion of the contract or during its performance shall accrue on the date on which the fraud was or reasonably could have been discovered.

Article 11

If the seller has given an express undertaking relating to the goods which is stated to have effect for a certain period of time, whether expressed in terms of a specific period of time or otherwise, the limitation period in respect of any claim arising from the undertaking shall commence on the date on which the buyer notifies the seller of the fact on which the claim is based, but not later than on the date of the expiration of the period of the undertaking.

Article 12

1. If, in circumstances provided for by the law applicable to the contract, one party is entitled to declare the contract terminated before the time for performance is due, and exercises this right, the limitation period in respect of a claim based on any such circumstances shall commence on the date on which the declaration is made to the other party. If the contract is not declared to be terminated before performance becomes due, the limitation period shall commence on the date on which performance is due.

2. The limitation period in respect of a claim arising out of a breach by one party of a contract for the delivery of or payment for goods by instalments shall, in relation to each separate instalment, commence on the date on which the particular breach occurs. If, under the law applicable to the contract, one party is entitled to declare the contract terminated by reason of such breach, and exercises this right, the limitation period in respect of all relevant instalments shall commence on the date on which the declaration is made to the other party.

Cessation and extension of the limitation period

Article 13

The limitation period shall cease to run when the creditor performs any act which, under the law of the court where the proceedings are instituted, is recognized as commencing judicial proceedings against the debtor or as asserting his claim in such proceedings already instituted against the debtor, for the purpose of obtaining satisfaction or recognition of his claim.

Article 14

1. Where the parties have agreed to submit to arbitration, the limitation period shall cease to run when either party commences arbitral proceedings in the manner provided for in the arbitration agreement or by the law applicable to such proceedings.

2. In the absence of any such provision, arbitral proceedings shall be deemed to commence on the date on which a request that the claim in dispute be referred to arbitration is delivered at the habitual residence or place of business of the other party or, if he has no such residence or place of business, then at his last known residence or place of business.

Article 15

In any legal proceedings other than those mentioned in articles 13 and 14, including legal proceedings commenced upon the occurrence of:

- (a) the death or incapacity of the debtor,
 - (b) the bankruptcy or any state of insolvency affecting the whole of the property of the debtor, or
 - (c) the dissolution or liquidation of a corporation, company, partnership, association or entity when it is the debtor,
- the limitation period shall cease to run when the creditor asserts his claim in such proceedings for the purpose of obtaining satisfaction or recognition of the claim, subject to the law governing the proceedings.

Article 16

For the purposes of articles 13, 14 and 15, any act performed by way of counterclaim shall be deemed to have been performed on the same date as the act performed in relation to the claim against which the counterclaim is raised, provided that both the claim and the counterclaim relate to the same contract or to several contracts concluded in the course of the same transaction.

Article 17

1. Where a claim has been asserted in legal proceedings within the limitation period in accordance with article 13, 14, 15 or 16, but such legal proceedings have ended without a decision binding on the merits of the claim, the limitation period shall be deemed to have continued to run.
2. If, at the time such legal proceedings ended, the limitation period has expired or has less than one year to run, the creditor shall be entitled to a period of one year from the date on which the legal proceedings ended.

Article 18

1. Where legal proceedings have been commenced against one debtor, the limitation period prescribed in this Convention shall cease to run against any other party jointly and severally liable with the debtor, provided that the creditor informs such party in writing within that period that the proceedings have been commenced.
2. Where legal proceedings have been commenced by a subpurchaser against the buyer, the limitation period prescribed in this Convention shall cease to run in relation to the buyer's claim over against the seller, if the buyer informs the seller in writing within that period that the proceedings have been commenced.
3. Where the legal proceedings referred to in paragraphs 1 and 2 of this article have ended, the limitation period in respect of the claim of the creditor or the buyer against the party jointly and severally liable or against the seller shall be deemed not to have ceased running by virtue of paragraphs 1 and 2 of this article, but the creditor or the buyer shall be entitled to an additional year from the date on which the legal proceedings ended, if at that time the limitation period had expired or had less than one year to run.

Article 19

Where the creditor performs, in the State in which the debtor has his place of business and before the expiration of the limitation period, any act, other than the acts described in articles 13, 14, 15 and 16, which under the law of that State has the effect of recommencing a limitation period, a new limitation period of four years shall commence on the date presented by that law.

Article 20

1. Where the debtor, before the expiration of the limitation period, acknowledges in writing his obligation to the creditor, a new limitation period of four years shall commence to run from the date of such acknowledgement.

2. Payment of interest or partial performance of an obligation by the debtor shall have the same effect as an acknowledgement under paragraph (1) of this article if it can reasonably be inferred from such payment or performance that the debtor acknowledges that obligation.

Article 21

Where, as a result of a circumstance which is beyond the control of the creditor and which he could neither avoid nor overcome, the creditor has been prevented from causing the limitation period to cease to run, the limitation period shall be extended so as not to expire before the expiration of one year from the date on which the relevant circumstance ceased to exist.

Modification of the limitation period by the parties

Article 22

1. The limitation period cannot be modified or affected by any declaration or agreement between the parties, except in the cases provided for in paragraph (2) of this article.

2. The debtor may at any time during the running of the limitation period extend the period by a declaration in writing to the creditor. This declaration may be renewed.

3. The provisions of this article shall not affect the validity of a clause in the contract of sale which stipulates that arbitral proceedings shall be commenced within a shorter period of limitation than that prescribed by this Convention, provided that such clause is valid under the law applicable to the contract of sale.

General limit of the limitation period

Article 23

Notwithstanding the provisions of this Convention, a limitation period shall in any event expire not later than 10 years from the date on which it commenced to run under articles 9, 10, 11 and 12 of this Convention.

Consequences of the expiration of the limitation period

Article 24

Expiration of the limitation period shall be taken into consideration in any legal proceedings only if invoked by a party to such proceedings.

Article 25

1. Subject to the provisions of paragraph (2) of this article and of article 24, no claim shall be recognized or enforced in any legal proceedings commenced after the expiration of the limitation period.

2. Notwithstanding the expiration of the limitation period, one party may rely on his claim as a defence or for the purpose of set-off against a claim asserted by the other party, provided that in the latter case this may only be done:

(a) if both claims relate to the same contract or to several contracts concluded in the course of the same transaction; or

(b) if the claims could have been set off at any time before the expiration of the limitation period.

Article 26

Where the debtor performs his obligation after the expiration of the limitation period, he shall not on that ground be entitled in any way to claim restitution even if he did not know at the time when he performed his obligation that the limitation period had expired.

Article 27

The expiration of the limitation period with respect to a principal debt shall have the same effect with respect to an obligation to pay interest on that debt.

Calculation of the period

Article 28

1. The limitation period shall be calculated in such a way that it shall expire at the end of the day which corresponds to the date on which the period commenced to run. If there is no such corresponding date, the period shall expire at the end of the last day of the last month of the limitation period.

2. The limitation period shall be calculated by reference to the date of the place where the legal proceedings are instituted.

Article 29

Where the last day of the limitation period falls on an official holiday or other *dies non juridicus* precluding the appropriate legal action in the jurisdiction where the creditor institutes legal proceedings or asserts a claim as envisaged in article 13, 14 or 15, the limitation period shall be extended so as not to expire until the end of the first day following that official holiday or *dies non juridicus* on which such proceedings could be instituted or on which such a claim could be asserted in that jurisdiction.

International effect

Article 30

The acts and circumstances referred to in articles 13 through 19 which have taken place in one Contracting State shall have effect for the purposes of this Convention in another Contracting State, provided that the creditor has taken all reasonable steps to ensure that the debtor is informed of the relevant act or circumstances as soon as possible.

PART II. IMPLEMENTATION

Article 31

1. If a Contracting State has two or more territorial units in which, according to its constitution, different systems of law are applicable in relation to the matters dealt with in this Convention, it may, at the time of signature, ratification or accession, declare that this Convention shall extend to all its territorial units or only to one or more of them, and may amend its declaration by submitting another declaration at any time.

2. These declarations shall be notified to the Secretary-General of the United Nations and shall state expressly the territorial units to which the Convention applies.

3. If a Contracting State described in paragraph (1) of this article makes no declaration at the time of signature, ratification or accession, the Convention shall have effect within all territorial units of that State.

Article 32

Where in this Convention reference is made to the law of a State in which different systems of law apply, such reference shall be construed to mean the law of the particular legal system concerned.

Article 33

Each Contracting State shall apply the provisions of this Convention to contracts concluded on or after the date of the entry into force of this Convention.

PART III. DECLARATIONS AND RESERVATIONS

Article 34

Two or more Contracting States may at any time declare that contracts of sale between a seller having a place of business in one of these States and a buyer having a place of business in another of these States shall not be governed by this Convention, because they apply to the matters governed by this Convention the same or closely related legal rules.

Article 35

A Contracting State may declare, at the time of the deposit of its instrument of ratification or accession, that it will not apply the provisions of this Convention to actions for annulment of the contract.

Article 36

Any State may declare, at the time of the deposit of its instrument of ratification or accession, that it shall not be compelled to apply the provisions of article 24 of this Convention.

Article 37

This Convention shall not prevail over conventions already entered into or which may be entered into, and which contain provisions concerning the matters covered by this Convention, provided that the seller and buyer have their places of business in States parties to such a convention.

Article 38

1. A Contracting State which is a party to an existing convention relating to the international sale of goods may declare, at the time of the deposit of its instrument of ratification or accession, that it will apply this Convention exclusively to contracts of international sale of goods as defined in such existing convention.

2. Such declaration shall cease to be effective on the first day of the month following the expiration of 12 months after a new convention on the international sale of goods, concluded under the auspices of the United Nations, shall have entered into force.

Article 39

No reservation other than those made in accordance with articles 34, 35, 36 and 38 shall be permitted.

Article 40

1. Declarations made under this Convention shall be addressed to the Secretary-General of the United Nations and shall take effect simultaneously with the entry of this Convention into force in respect of the State concerned, except declarations made thereafter. The latter declarations shall take effect on the first day of the month following the expiration of six months after the date of their receipt by the Secretary-General of the United Nations.

2. Any State which has made a declaration under this Convention may withdraw it at any time by a notification addressed to the Secretary-General of the United Nations. Such withdrawal shall take effect on the first day of the month following the expiration of six months after the date of the receipt of the notification by the Secretary-General of the United Nations. In the case of a declaration made under article 34 of this Convention, such withdrawal shall also render inoperative, as from the date on which the withdrawal takes effect, any reciprocal declaration made by another State under that article.

PART IV. FINAL CLAUSES

Article 41

This Convention shall be open until 31 December 1975 for signature by all States at the Headquarters of the United Nations.

Article 42

This Convention is subject to ratification. The instruments of ratification shall be deposited with the Secretary-General of the United Nations.

Article 43

This Convention shall remain open for accession by any State. The instruments of accession shall be deposited with the Secretary-General of the United Nations.

Article 44

1. This Convention shall enter into force on the first day of the month following the expiration of six months after the date of the deposit of the tenth instrument of ratification or accession.

2. For each State ratifying or acceding to this Convention after the deposit of the tenth instrument of ratification or accession, this Convention shall enter into force on the first day of the month following the expiration of six months after the date of the deposit of its instrument of ratification or accession.

Article 45

1. Any Contracting State may denounce this Convention by notifying the Secretary-General of the United Nations to that effect.

2. The denunciation shall take effect on the first day of the month following the expiration of 12 months after receipt of the notification by the Secretary-General of the United Nations.

Article 46

The original of this Convention, of which the Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Secretary-General of the United Nations.

B. Treaties concerning international law concluded under the auspices of intergovernmental organizations related to the United Nations

1. INTERNATIONAL CIVIL AVIATION ORGANIZATION

RESOLUTION A 21-2 ADOPTED BY THE ASSEMBLY AT ITS TWENTY-FIRST SESSION

Amendment to Article 50(a) of the Convention increasing the membership of the Council to thirty-three

The Assembly,

Having met in its twenty-first session, at Montreal on 14 October 1974,

Having noted that it is the general desire of Contracting States to enlarge the membership of the Council,

Having considered it proper to provide for three additional seats in the Council and accordingly to increase the membership from thirty to thirty-three, in order to permit an

increase in the representation of States elected in the second, and particularly the third, part of the election, and

Having considered it necessary to amend, for the purpose aforesaid, the Convention on International Civil Aviation done at Chicago on the seventh day of December 1944,

1. *Approves*, in accordance with the provisions of Article 94(a) of the Convention aforesaid, the following proposed amendment to the said Convention:

In Article 50(a) of the Convention the second sentence shall be amended by replacing "thirty" by "thirty-three".

2. *Specifies*, pursuant to the provisions of the said Article 94(a) of the said Convention, eighty-six as the number of Contracting States upon whose ratification the proposed amendment aforesaid shall come into force, and

3. *Resolves* that the Secretary General of the International Civil Aviation Organization draw up a Protocol, in the English, French and Spanish languages, each of which shall be of equal authenticity, embodying the proposed amendment above-mentioned and the matter hereinafter appearing:

(a) The Protocol shall be signed by the President of the Assembly and its Secretary General.

(b) The Protocol shall be open to ratification by any State which has ratified or adhered to the said Convention on International Civil Aviation.

(c) The instruments of ratification shall be deposited with the International Civil Aviation Organization.

(d) The Protocol shall come into force in respect of the States which have ratified it on the date on which the 86th instrument of ratification is so deposited.

(e) The Secretary General shall immediately notify all Contracting States of the date of deposit of each ratification of the Protocol.

(f) The Secretary General shall immediately notify all States parties to the said Convention of the date on which the Protocol comes into force.

(g) With respect to any Contracting State ratifying the Protocol after the date aforesaid, the Protocol shall come into force upon deposit of its instrument of ratification with the International Civil Aviation Organization.

2. UNIVERSAL POSTAL UNION

SECOND ADDITIONAL PROTOCOL TO THE CONSTITUTION OF THE UNIVERSAL POSTAL UNION. DONE AT LAUSANNE ON 5 JULY 1974⁵

The plenipotentiaries of the Governments of the member countries of the Universal Postal Union, met in Congress at Lausanne, in view of article 30, §2, of the Constitution of the Universal Postal Union concluded at Vienna on 10 July 1964 have adopted, subject to ratification, the following amendments to that Constitution.

Article 1

(Article 21 amended)

Expenditure of the Union. Contributions of member countries

1. Each Congress shall fix the maximum amount which:

(a) the expenditure of the Union may reach annually;

(b) the expenditure relating to the organization of the next Congress may reach.

⁵The Constitution of the Universal Postal Union was concluded by the 1964 Vienna Congress (see *Juridical Yearbook*, 1964, p. 195). The first Additional Protocol was adopted at the 1969 Tokyo Congress.

2. The maximum amount for expenditure referred to in §1 may be exceeded if circumstances so require, provided that the relevant provisions of the General Regulations are observed.

3. The expenses of the Union, including where applicable the expenditure envisaged in §2, shall be jointly borne by the member countries of the Union. For this purpose, each member country shall choose the contribution class in which it intends to be included. The contribution classes shall be laid down in the General Regulations.

4. In the case of accession or admission to the Union under article 11, the Government of the Swiss Confederation shall fix, by agreement with the Government of the country concerned, the contribution class into which the latter country is to be placed for the purpose of apportioning the expenses of the Union.

Article II

Choice of contribution class

Article I, §3, shall be applicable before the entry into force of this Additional Protocol.

Article III

Accession to the Additional Protocol and to the other Acts of the Union

1. Member countries which have not signed the present Protocol may accede to it at any time.

2. Member countries which are party to the Acts renewed by Congress but which have not signed them, shall accede thereto as soon as possible.

3. Instruments of accession relative to the cases set forth in §§1 and 2 shall be sent through diplomatic channels to the Government of the country in which the seat of the Union is situated, which shall notify the member countries of these deposits.

Article IV

Entry into force and duration of the Additional Protocol to the Constitution of the Universal Postal Union.

This Additional Protocol shall come into force on 1 January 1976 and shall remain in force for an indefinite period.

In witness whereof the plenipotentiaries of the Governments of the member countries have drawn up this Additional Protocol, which shall have the same force and the same validity as if its provisions were inserted in the text of the Constitution itself and they have signed it in a single original which shall be deposited in the archives of the Government of the country in which the seat of the Union is situated. A copy thereof shall be delivered to each party by the Government of the country in which Congress is held.

Done at Lausanne, 5 July 1974.⁶

⁶The Lausanne Congress has also revised and renewed the other Acts of the Union which are the following:

- the General Regulations of the Universal Postal Union with Final Protocol;
- the Universal Postal Convention, with Final Protocol and Detailed Regulations;
- the Insured Letters Agreement, with Final Protocol and Detailed Regulations;
- the Postal Parcels Agreement, with Final Protocol and Detailed Regulations;

3. INTER-GOVERNMENTAL MARITIME CONSULTATIVE ORGANIZATION AMENDMENTS TO THE IMCO CONVENTION

RESOLUTION A.315 (ES.V) ADOPTED ON 17 OCTOBER 1974 AT THE FIFTH EXTRAORDINARY SESSION OF THE ASSEMBLY

The Assembly,

Recalling Resolution A.69(ES.II) by which it adopted amendments to the IMCO Convention⁷ increasing the membership of the Council⁸ and Resolution A.70(IV) by which amendments were adopted to the IMCO Convention to increase the number of members in the Maritime Safety Committee and to modify the method of their election,⁹

Noting and welcoming the increase in the membership of the Organization since these amendments were adopted,

Recognizing the need to ensure at all times that the principal organs of the Organization are representative of the total membership of the Organization and ensure equitable geographic representation of Member States on the Council,

Recalling its Resolution A.314(VIII) by which it decided to convene an Ad Hoc Working Group to study proposed amendments to the IMCO Convention concerning the size and composition of the Council and the Maritime Safety Committee and any consequential related amendments,

Having considered the Report of the Ad Hoc Working Group, including the Working Group's recommendations on proposed amendments to the IMCO Convention,

Having adopted at the fifth extraordinary session of the Assembly held in London from 16 to 18 October 1974, amendments, the texts of which are contained in the Annex to this Resolution, to Articles 10, 16, 17, 18, 20, 28, 31 and 32 of the Convention on the Inter-Governmental Maritime Consultative Organization,

Having determined, in accordance with the provisions of Article 52 of the Convention, that these amendments are of such a nature that any Member which hereafter declares that it does not accept the amendments and which does not accept the amendments within a period of twelve months after the amendments come into force shall, upon the expiration of this period, cease to be a Party to the Convention,

Requests the Secretary-General of the Organization to deposit the adopted amendments with the Secretary-General of the United Nations in accordance with Article 53 of the IMCO Convention and to receive declarations and instruments of acceptance as provided for in Article 54,

Invites the Member Governments to accept each amendment at the earliest possible date after receiving a copy thereof from the Secretary-General of the United Nations by communicating the appropriate instrument of acceptance to the Secretary-General.

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- the Postal Money Orders and Postal Travellers' Cheques Agreement with Detailed Regulations;
 - the Cash-on-Delivery Agreement with Detailed Regulations (replaces the *Arrangement concernant les virements*);
 - the Collection of Bills Agreement with Detailed Regulations;
 - the International Savings Agreement with Detailed Regulations;
 - the Subscriptions to Newspapers and Periodicals Agreement with Detailed Instructions.

All these Acts have been signed on 5 July 1974 at Lausanne and will come into force on 1 January 1976.

⁷See United Nations, *Treaty Series*, vol. 289, p. 3.

⁸See *Juridical Yearbook*, 1964, p. 202.

⁹See *Juridical Yearbook*, 1965, p. 204.

ANNEX

AMENDMENTS TO THE CONVENTION ON THE INTER-GOVERNMENTAL MARITIME CONSULTATIVE ORGANIZATION

Article 10

The existing text is replaced by the following:

An Associate Member shall have the rights and obligations of a Member under the Convention except that it shall not have the right to vote or be eligible for membership on the Council and subject to this the word "Member" in the Convention shall be deemed to include Associate Member unless the context otherwise requires.

Article 16

The existing text of paragraph (d) is replaced by the following:

(d) To elect the Members to be represented on the Council as provided in Article 17.

Article 17

The existing text is replaced by the following:

The Council shall be composed of twenty-four Members elected by the Assembly.

Article 18

The existing text is replaced by the following:

In electing the Members of the Council, the Assembly shall observe the following criteria:

(a) Six shall be States with the largest interest in providing international shipping services;

(b) Six shall be other States with the largest interest in international seaborne trade;

(c) Twelve shall be States not elected under (a) or (b) above, which have special interests in maritime transport or navigation, and whose election to the Council will ensure the representation of all major geographic areas of the world.

Article 20

The existing text is replaced by the following:

(a) The Council shall elect its Chairman and adopt its own Rules of Procedure except as otherwise provided in the Convention.

(b) Sixteen Members of the Council shall constitute a quorum.

(c) The Council shall meet upon one month's notice as often as may be necessary for the efficient discharge of its duties upon the summons of its Chairman or upon request by not less than four of its Members. It shall meet at such places as may be convenient.

Article 28

The existing text is replaced by the following:

The Maritime Safety Committee shall consist of all the Members.

Article 31

The existing text is replaced by the following:

The Maritime Safety Committee shall meet at least once a year. It shall elect its officers once a year and shall adopt its own Rules of Procedure.

Article 32

This Article is deleted.

Articles 33 through 63 are renumbered accordingly.