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UNITED NATIONS JURIDICAL YEARBOOK

1977

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

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



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Chapter III

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

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

1. DISARMAMENT AND RELATED MATTERS¹

(a) Comprehensive approaches to disarmament

(1) *Special session of the General Assembly devoted to disarmament*

Background

In the Political Declaration adopted at the Fifth Conference of Heads of State or Government of Non-Aligned Countries, held at Colombo in 1976,² it was recommended that, pending the convening of a world disarmament conference, the members of the non-aligned movement should request the holding of a special session of the General Assembly not later than 1978.

Following that decision, at the initiative of the non-aligned countries, a draft resolution on the convening of the special session, sponsored by 72 States from various political and geographical groups, was submitted to the General Assembly at its thirty-first session.³ It was adopted without a vote on 21 December 1976 as resolution 31/189 B. By that resolution, it was decided to convene a special session of the General Assembly devoted to disarmament in New York in May/June 1978, to establish a Preparatory Committee for the Special Session of the General Assembly Devoted to Disarmament composed of 54 Member States and to invite all Member States to communicate to the Secretary-General their views on the agenda and the other relevant questions relating to the special session.

During 1977, the Preparatory Committee held three sessions, one organizational (28-30 March) and two substantive (9-20 May and 31 August-9 September). Its report on the work of those three sessions⁴ was submitted to the General Assembly at its thirty-second session.

Work of the Preparatory Committee

At its organizational session, the Committee among other things agreed to a recommendation of its Chairman concerning the procedure to be followed for the adoption of decisions. In submitting this recommendation, the Chairman said that the Committee would be governed by the relevant parts of the rules of procedure of the General Assembly; notwithstanding the fact, it had been generally agreed that every effort should be made to ensure that, as far as possible, decisions on matters of substance were adopted

¹ This summary has been prepared on the basis of *The United Nations Disarmament Yearbook*, vol. 2:1977 (United Nations publication, Sales No. E.78.IX.4).

² See A/31/197.

³ See the report of the First Committee to the thirty-first session of the General Assembly on agenda item 39 in *Official Records of the General Assembly, Thirty-first Session*, agenda items 34 to 50 and 116, document A/31/376.

⁴ *Official Records of the General Assembly, Thirty-second Session, Supplement No. 41* (A/32/41).

by consensus. The Committee also decided that States non-members of the Committee could fully participate in its work, without the right to vote.

The two substantives sessions of the Preparatory Committee (second and third sessions) were devoted to the consideration of the various issues pertaining to the organization of the work of the special session and the future work of the Committee itself.

With regard to the special session, the subjects to which the Committee devoted special attention were the provisional agenda of the special session — on which a consensus was reached at the 12th meeting of the Committee on 20 May 1977⁵ — and the rules of procedure of the special session, in relation to which the Committee included the following paragraph in its report:

“The rules of procedure of the General Assembly should apply in the special session without amendments, on the understanding that, regarding the adoption of decisions by the Assembly at the special session, every effort should be made to ensure that, in so far as possible, decisions on matters of substance will be adopted by consensus.”⁶

Consideration by the General Assembly⁷

The question of the special session of the General Assembly devoted to disarmament received a great deal of attention from Member States at the thirty-second session, both during the general debate in the Assembly and in the First Committee. Almost all States which referred to the issue in their statements expressed satisfaction with the timely decision to convene the special session and pledged themselves to contribute to its successful work. The General Assembly concluded its consideration of the item at its thirty-second session with the adoption of two resolutions namely resolution 32/88 A in which it endorsed the recommendation of the Preparatory Committee concerning the preparation of a study on the relationship between disarmament and development, and resolution 32/88 B in which it *inter alia* requested the Preparatory Committee to continue its work.

(2) Consideration of general and complete disarmament

In 1977 as in previous years, general and complete disarmament continued to be recognized, within the Conference of the Committee on Disarmament, as the ultimate goal of all disarmament efforts.⁸

At the thirty-second session of the General Assembly, many delegations made reference to general and complete disarmament during the general debate, both in the plenary meetings and in the First Committee.⁹ As in recent years, emphasis was placed on the increasing dangers and cost of the arms race, on the urgent need for halting and reversing it and on the priority to be given to the curbing of nuclear armaments. General and complete disarmament was often envisaged mainly as an ultimate goal — the ideal culmination of all disarmament efforts which it was important to keep in view. States from all political groupings spoke in terms of setting priorities and implementing concrete measures which would be achievable in the short term and which, they held, would lead towards that goal.

On the topic of general and complete disarmament the General Assembly adopted, among others, resolution 32/87 B in which it reaffirmed the provisions of its resolution 31/189 C and urged the nuclear-weapon States to take expeditious action in relevant

⁵ *Ibid.*, paras. 16 and 17.

⁶ *Ibid.*, para. 26.

⁷ See the report of the First Committee to the thirty-second session of the General Assembly on agenda item 52 (A/32/381).

⁸ For the report of the Conference of the Committee on Disarmament, see *Official Records of the General Assembly, Thirty-second session, Supplement No. 27 (A/32/27)*.

⁹ See the report of the First Committee to the thirty-second session of the General Assembly on agenda item 51 (A/32/380).

forums to strengthen the security of non-nuclear weapon States and resolution 32/87 C in which it requested the Secretary-General to submit a study on the interrelationship between disarmament and international security.

(3) *Disarmament Decade*¹⁰

In its resolution 32/80, the General Assembly deplored that the purposes and objectives of the Disarmament Decade as defined in its resolution 2602 E (XXI) had not been fulfilled in terms of effective disarmament agreements and that the arms race, especially the nuclear arms race continued unabated, and expressed its deep concern at the continued wastage of resources on armaments and the consequent detrimental effect on international security and the achievement of the objectives of the new international economic order. It also requested the Conference of the Committee on Disarmament to continue its work on the elaboration of a comprehensive programme for disarmament and called upon Member States and the Secretary-General to intensify their efforts in support of the link between disarmament and development.

(4) *World Disarmament Conference*

The proposal for holding a world disarmament conference was examined both within the *Ad Hoc* Committee on the World Disarmament Conference¹¹ and within the Preparatory Committee for the Special Session of the General Assembly Devoted to Disarmament.¹² It was also referred to at the 1977 session of the Conference on the Committee on Disarmament.¹³

In the resolution it adopted on the topic at its thirty-second session,¹⁴ the General Assembly *inter alia* requested the *Ad Hoc* Committee to submit to the Assembly's special session devoted to disarmament a special report on the state of its work and deliberations and requested the *Ad Hoc* Committee to maintain close contact with the representatives of States possessing nuclear weapons in order to remain currently informed of their respective attitudes.

(b) Nuclear disarmament

(1) *Prohibition of the use of nuclear weapons*

Nuclear disarmament has been a constant preoccupation of the international community ever since the emergence of nuclear weapons. Over the years it has come to be recognized that nuclear war constitutes the greatest single peril to the survival of mankind and that, consequently, nuclear disarmament is the most important and pressing item on the disarmament agenda.

Various initiatives have been taken for the prohibition of the use of nuclear weapons. Reference is made in particular to General Assembly resolution 2936 (XXVII) and to the Additional Protocol II to the Treaty for the Prohibition of Nuclear Weapons in Latin America (Treaty of Tlatelolco).¹⁵ Proposals have also been made prohibiting the first

¹⁰ See the report of the First Committee to the thirty-second session of the General Assembly on agenda item 42 (A/32/373).

¹¹ For the report of the *Ad Hoc* Committee to the thirty-second session of the General Assembly, see *Official Records of the General Assembly, Thirty-second Session, Supplement No. 28* (A/32/28).

¹² See foot-note 4 above.

¹³ See foot-note 8 above.

¹⁴ See the report of the First Committee to the thirty-second session of the General Assembly on agenda item 53 (A/32/382).

¹⁵ United Nations, *Treaty Series*, vol. 634, p. 326. Also reproduced in the *Juridical Year-book*, 1967, p. 284.

use of nuclear weapons, an alternative being the conditional prohibition of the use of nuclear weapons. In addition, a wide range of measures have been put forward aiming at the creation of the nuclear arms race and nuclear disarmament and involving, in one form or another, limitations, reductions and/or the elimination of nuclear weapons.

The paramount importance of nuclear disarmament was underlined in 1977 both in the Preparatory Committee for the Special Session for Disarmament¹⁶ and in the Conference of the Committee on Disarmament.¹⁷ It was also emphasized at the thirty-second session of the General Assembly¹⁸ where the absolute priority and utmost urgency of effective measures to halt the nuclear arms race and begin the process of nuclear disarmament were generally stressed.

(2) *Strategic Arms Limitation Talks*

Although outside the scope of the negotiations taking place in the Conference of the Committee on Disarmament, the SALT negotiations were referred to in that forum in the context of the debate on measures relating to the cessation of the nuclear arms race.¹⁹ They also received particular attention at the thirty-second session of the General Assembly²⁰ where the consideration of the issue was markedly influenced by the bilateral consultations held between the United States and the Soviet Union concurrently with the beginning of the session and also the unilateral declarations made by both parties to the effect that they would continue to observe the provisions of the SALT I agreement after it expired. In the resolution it adopted on the question (resolution 32/87 G), the Assembly took note with satisfaction of the statements made by the heads of State of the USSR and the United States in connexion with the reduction and eventual elimination of nuclear weapons and invited the Governments of both countries to adopt without delay all relevant measures to achieve that objective.

(3) *Cessation of nuclear-weapon tests*

As appears from its report for the year 1977, the Conference of the Committee on Disarmament discussed at length the subject of a nuclear-weapon-test ban.²¹ The discussion, which confirmed general agreement on the urgent need for a general ban on all nuclear-weapon tests, continued to centre on the same three principal obstacles namely (a) the question of verification of compliance with the ban; (b) the question of whether the participation of all nuclear-weapons Powers in the ban, or in its negotiation, should be required; and (c) the question of peaceful nuclear explosions.

At the thirty-second session of the General Assembly,²² the question of the cessation of nuclear tests appeared for the third consecutive year under two separate agenda items: item 40, entitled "Urgent need for cessation of nuclear and thermonuclear tests and conclusion of a treaty designed to achieve a comprehensive test ban", which was concerned with the traditional item of a comprehensive test ban, and item 49, entitled "Conclusion of a treaty on the complete and general prohibition of nuclear-weapon tests", which concerned the negotiation of an agreement on the matter by a special negotiating group and had been included on the agenda in 1975 as a result of a Soviet initiative (General Assembly resolution 3478 (XXX)).

¹⁶ See foot-note 4 above.

¹⁷ See foot-note 8 above.

¹⁸ See *Official Records of the General Assembly, Thirty-second Session, First Committee, 7th to 38th, 40th and 44th meetings*; and *ibid.*, *First Committee, Sessional Fascicle*.

¹⁹ *Ibid.*, *Supplement No. 27 (A/32/27)*, paras. 20–32.

²⁰ See the report of the First Committee to the thirty-second session of the General Assembly on agenda item 51 (A/32/380).

²¹ See *Official Records of the General Assembly, Thirty-second Session, Supplement No. 27 (A/33/27)*, paras. 33–95.

²² See the report of the First Committee to the thirty-second session of the General Assembly on agenda items 40 and 49 (A/32/371).

In its resolution 32/78, the General Assembly *inter alia* reaffirmed its conviction that the cessation of nuclear-weapon testing by all parties would be in the supreme interest of mankind, recalled the determination of the parties to the Treaty Banning Nuclear Weapon Tests in the Atmosphere, in Outer Space and under Water²³ and the Treaty on the Non-Proliferation of Nuclear Weapons²⁴ to continue negotiations to achieve the discontinuance of all test explosions of nuclear weapons for all time and urged the three nuclear-weapon States among which negotiations had begun with a view to the drafting of an agreement on the subject to expedite their negotiations with a view to bringing them to a positive conclusion.

(4) *Treaty on the Non-Proliferation of Nuclear Weapons*²⁴

The discussions on the non-proliferation Treaty during 1977 within the Preparatory Committee for the Special Session of the General Assembly Devoted to Disarmament,²⁵ the Conference of the Committee on Disarmament²⁶ and the General Assembly²⁷ reveal continued and broad support for the Treaty as the central element of an effective international regime to prevent the proliferation of nuclear weapons. Many States stressed the need of consolidating the regime by promoting universal adherence to the Treaty. The main issues that emerged in the discussions relating to the international regime for the prevention of the proliferation of nuclear weapons were the cessation of the nuclear arms race, the guarantees against the use or threat of use of nuclear weapons and international co-operation in peaceful uses of nuclear energy. Those issues are referred to in General Assembly resolution 32/87 F in which the Assembly, *inter alia*, urgently called for determined efforts by all nuclear-weapon States to bring about the cessation of the nuclear arms race, reaffirmed that all States have the right, as provided for, *inter alia*, in article IV of the non-proliferation Treaty to acquire and develop nuclear energy for peaceful purposes under effective and non-discriminatory safeguards against the proliferation of nuclear weapons, urged States that had not yet adhered to the Treaty to do so at an early date and solemnly affirmed that (a) States should not convert civil nuclear materials or facilities to the production of nuclear weapons and (b) all States have the right, in accordance with the principle of sovereign equality, to develop their programmes for the peaceful use of nuclear technology for economic and social development and should have, without discrimination, access to and be free to acquire technology, equipment and materials for the peaceful use of nuclear energy under effective and non-discriminatory safeguards against the proliferation of nuclear weapons.²⁸ The latter principle was reaffirmed in General Assembly resolution 32/50 entitled "Peaceful use of nuclear energy for economic and social development".

(5) *Nuclear-weapon free zones*

Treaty for the Prohibition of Nuclear Weapons in Latin America (Treaty of Tlatlelolco)

In this connexion, the General Assembly at its thirty-second session adopted two resolutions concerning, respectively, Additional Protocol I and Additional Protocol II to the Treaty of Tlatlelolco. In the first one (resolution 32/76), the Assembly noted with satisfaction that Additional Protocol I had been signed on 26 May 1977 by the United States and again urged France to sign and ratify the Protocol as soon as possible. In the

²³ United Nations, *Treaty Series*, vol. 480, p. 43. Also reproduced in the *Juridical Yearbook*, 1963, p. 107.

²⁴ Resolution 2723 (XXII), annex. Also reproduced in the *Juridical Yearbook*, 1968, p. 156.

²⁵ See foot-note 4 above.

²⁶ See foot-note 8 above.

²⁷ See the report of the First Committee to the thirty-second session of the General Assembly on agenda item 51 (A/32/380).

²⁸ For a description of the safeguard activities of the International Atomic Energy Agency, which are referred to in several paragraphs of resolution 32/87 F, see the *United Nations Disarmament Yearbook*, vol. 2, 1977, pp. 183-189.

second resolution (32/79), the Assembly again urged the Soviet Union to sign and ratify Additional Protocol II to the Treaty of Tlateloco.²⁹

(c) Prohibition of other weapons

(1) *Chemical weapons*

In 1977, the Conference of the Committee on Disarmament continued its efforts towards a prohibition of chemical weapons in pursuance of General Assembly resolution 31/65. It devoted the major part of its substantive consideration of the subject³⁰ to the three issues of the scope of a ban, the definition of agents to be included and the question of verification. In addition to having a general discussion on the various issues involved in a chemical weapons ban, the Committee considered in detail the draft convention submitted by the United Kingdom in 1976.³¹

In the course of debate in the General Assembly and in the First Committee,³² many delegations emphasized that the prohibition of chemical weapons was one of the pressing issues related to the curbing of the arms race and disarmament and called for an early agreement on a chemical weapons ban. The discussion centered on the questions of the scope of a ban and verification. In its resolution 32/77, the General Assembly *inter alia* urged all States to reach early agreement on the effective prohibition of the development, production and stockpiling of all chemical weapons and on their destruction, invited all States that had not yet done so to accede to the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction,³³ as well as to accede to or ratify the 1925 Protocol for the Prohibition on the Use in War of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare,³⁴ and called again for strict observance by all States of the principle and objectives of these instruments.

(2) *New weapons of mass destruction*

The international community has long been aware that military research may result in new devices whose destruction effect is comparable to that of nuclear weapons. As early as 1948, when atomic weapons had been in existence for only a few years, the Commission for Conventional Armaments of the Security Council adopted a resolution which reflected the realization that in the future weapons might be developed with characteristics comparable in destructive effect to those of atomic explosive weapons, radioactive material weapons and lethal biological and chemical weapons.³⁵ In the General Assembly, the question was discussed for the first time in 1969 (General Assembly resolutions 2602 C (XXIV) and 2602 D (XXIV)).

The question of the prohibition of the development and manufacture of new types of weapons of mass destruction and new systems of such weapons was first included in

²⁹ With respect to the question of nuclear-weapon-free zones, reference is also made to General Assembly resolutions 32/81, 32/82 and 32/83 entitled, respectively, "Implementation of the Declaration on the Denuclearization of Africa", "Establishment of a nuclear-weapon-free zone in the region of the Middle East" and "Establishment of a nuclear-weapon-free zone in South Asia".

³⁰ *Official Records of the General Assembly, Thirty-second Session, Supplement No. 27 (A/33/27)*, paras. 117–206.

³¹ *Ibid.*, *Thirty-first Session, Supplement No. 27 (A/31/27)*, annex III, document CCD/512.

³² See the report of the First Committee to the thirty-second session of the General Assembly on agenda item 39 (A/32/370).

³³ Resolution 2826 (XXVI), annex. Also reproduced in the *Juridical Yearbook*, 1971, p. 118.

³⁴ League of Nations, *Treaty Series*, vol. XCIV, p. 65.

³⁵ For details, see *The United Nations and Disarmament: 1945–1970* (United Nations publication, Sales No. 70.IX.1), chap. 2 and *The United Nations Disarmament Yearbook*, vol. 1: 1976 (United Nations publication, Sales No. E.77/IX.2), chap. XV.

the agenda of the General Assembly at its thirtieth session in 1975 further to an invitation of the Soviet Union.³⁶

In 1977, the Conference of the Committee on Disarmament gave considerable attention to the subject. The discussions which were based on the draft convention submitted by the Soviet Union the year before³⁷ centered on the scope of a convention on the prohibition of new types of weapons of mass destruction and the definition of such weapons, the verification aspect of such a convention and the question of how to avoid hampering technological and scientific research for peaceful purposes.

The discussion at the thirty-second session of the General Assembly³⁸ centred around the same main issues as in the Conference of the Committee on Disarmament. Two resolutions were adopted on the subject, resolution 32/84 A as an essentially procedural nature and resolution 32/84 B in which the Assembly *inter alia* urged States to refrain from developing new weapons of mass destruction based on new scientific principles, called upon States to apply scientific discovery for the benefit of mankind and reaffirmed the definition of weapons of mass destruction contained in the resolution of the Commission of Conventional Armaments of 12 August 1948.³⁹

(3) *Napalm and other specific conventional weapons*

The question of a ban on the use of incendiary weapons and of other categories of weapons such as blast and fragmentation weapons, delayed action and treacherous weapons and high velocity small-calibre projectiles was considered in detail at three sessions of the Diplomatic Conference on the Reaffirmation and Development of International Humanitarian Law Applicable in Armed Conflicts, held from 1974 to 1976, by an *Ad Hoc* Committee on conventional weapons established for that purpose by the Conference. At its final session held in 1977, the Diplomatic Conference made some progress towards agreement on restricting the use of certain specific conventional weapons but took no final decision with regard to any weapons. In its resolution 22 (IV),⁴⁰ it recommended that a conference should be convened not later than 1979 with a view to reaching agreement on prohibitions or restrictions on the use of certain specific conventional weapons for humanitarian reasons.

At its thirty-second session,⁴¹ the General Assembly, in its resolution 32/44, welcomed the above-mentioned recommendation and its resolution 32/152 decided to convene in 1979 a United Nations Conference with a view to reaching agreements on prohibitions or restrictions of the use of specific conventional weapons, including those which may

³⁶ See *Official Records of the General Assembly, Thirtieth Session, Annexes* agenda item 126.

³⁷ See General Assembly resolution 3478 (XXX), annex.

³⁸ See the report of the First Committee to the thirty-second session of the General Assembly on agenda item 46 (A/32/377).

³⁹ The resolution defines weapons of mass destruction as atomic explosive weapons, radioactive material weapons, lethal chemical and biological weapons and any weapons developed in the future which might have characteristics comparable in destructive effect to those of the atomic bomb or other weapons mentioned above.

In connexion with radiological weapons, it should be noted that although the prohibition of such weapons has not been in the forefront of the discussions either in the General Assembly or in the Conference of the Committee on Disarmament, it has on several occasions retained the attention of States: mention should be made in this connexion of General Assembly resolution 2602 C (XXIV), of the reference, in the draft agreement on the prohibition of the development and manufacture of new types of weapons of mass destruction submitted in 1975 by the Soviet Union, to "radiological means of the non-explosive type acting with the aid of radioactive materials", and of the bilateral talks between the Soviet Union and the United States on an agreement on the topic.

⁴⁰ See document A/32/124, annex II.

⁴¹ See the report of the Sixth Committee to the thirty-second session of the General Assembly on agenda item 115 (A/32/396) and the report of the First Committee to the thirty-second session of the General Assembly on agenda item 38 (A/32/369).

be deemed to be excessively injurious or to have indiscriminate effects taking into account humanitarian and military considerations.⁴²

- (d) Review Conference of the Parties to the Treaty on the Prohibition of the Emplacement of Nuclear Weapons and other Weapons of Mass Destruction on the Sea-bed and the Ocean Floor and in the Subsoil thereof⁴³

The first review Conference of the Parties to the above-mentioned Treaty was held at Geneva from 20 June to 1 July 1977 pursuant to article VII of the Treaty, with the participation of 42 States parties. The Conference's Final Document⁴⁴ was transmitted to the Secretary-General of the United Nations for distribution to all Member States at the thirty-second session of the Assembly.⁴⁵ In its resolution 32/87 A, the Assembly *inter alia* welcomed with satisfaction the positive assessment by the Review Conference of the effectiveness of the Treaty since its entry into force, invited all States that had not yet done so to ratify or accede to the Treaty and called upon all States to refrain from any action which might lead to the extension of the arms race to the sea-bed and the ocean floor.

2. OTHER POLITICAL AND SECURITY QUESTIONS

- (a) Non-interference in the internal affairs of States

In its resolution 32/153, the General Assembly⁴⁶ *inter alia* urged all States to abide by the provisions of paragraphs 3 and 4 of General Assembly resolution 31/91 which denounce any form of interference in the internal or external affairs of other States and condemn all forms and techniques of coercion, subversion and defamation aimed at disrupting the political, social or economic order of other States; called once again upon all States to undertake necessary measures in order to prevent any hostile act or activity taking place within their territory and being directed against the sovereignty, territorial integrity and political independence of another State and expressed the view that a declaration on non-interference in the internal affairs of States would be an important contribution to the former elaboration of the principles for strengthening equitable co-operation and friendly relations among States, based on sovereign equality and mutual respect.

- (b) Implementation of the Declaration on the Strengthening of International Security

In its resolution 32/154, the General Assembly⁴⁷ *inter alia* called upon all States to adhere fully to, and implement consistently, the purposes and principles of the United Nations and all the provisions of the Declaration on the Strengthening of International

⁴² Pursuant to resolution 32/152, a preparatory conference for the above-mentioned Conference was convened in 1978. Its report (A/33/44) was before the General Assembly at its thirty-third session.

⁴³ Reproduced in the *Juridical Yearbook*, 1970, p. 121.

⁴⁴ SBT/CONF/25 (also circulated as documents CCD/543 and A/C.1/32/4).

⁴⁵ See the report of the First Committee to the thirty-second session of the General Assembly on agenda item 51 (A/32/380).

⁴⁶ See the report of the First Committee to the thirty-second session of the General Assembly on agenda item 50 (A/32/450).

⁴⁷ *Ibid.*

Security (resolution 2734 (XXV)) and to contribute effectively to the increasing peace-keeping and peace-making role of the United Nations; called for the extension of the process of relaxation of tensions, which is still limited, to all regions of the world and the implementation of the principle of non-use of force or the threat thereof in order to help bring about just and lasting solutions to international problems with the participation of all States so that peace and security will be based on effective respect for the sovereignty and independence of all States and the inalienable right of all peoples to determine their own destiny freely and without outside interference, coercion or pressure; reaffirmed that any measure or pressure directed against any State while exercising its sovereign right freely to dispose of its natural resources constitutes a flagrant violation of the right of self-determination of peoples and the principle of non-intervention, as set forth in the Charter, which, if pursued, would constitute a threat to international peace and security; and urged effective measures to put an end to the arms race and to promote disarmament.

(c) Declaration on the Deepening and Consolidation of International Détente

On 19 December 1977, the General Assembly,⁴⁸ by resolution 32/155, adopted the Declaration on the Deepening and Consolidation of International Détente by which the States Members of the United Nations declared their determination:

1. To adhere firmly to and promote the implementation of the provisions of the Charter of the United Nations, as well as the universally accepted principles and declarations aimed at enhancing world peace and security and the development of friendly and co-operative relations among States, and to fulfill their obligations arising from multi-lateral treaties and agreements serving the achievement of these objectives;

2. To consider taking new and meaningful steps, both in bilateral and multilateral arms control negotiation forums, aimed at achieving the objective of a cessation of the arms race, in particular the nuclear arms race, at an early stage and realization of disarmament measures, especially nuclear disarmament, with the ultimate objective of general and complete disarmament under strict and effective international control;

3. To facilitate the peaceful and speedy settlement of outstanding international problems and to strive to remove both causes and effects of international tension so that relations among all States may evolve in the direction of co-operation and friendship in order to prevent the recurrence of situations which might endanger international peace and security;

4. To strengthen the role of the United Nations as a primary instrument in the maintenance of international peace and security by reinforcing both the peace-making and peace-keeping capabilities of the Organization;

5. To refrain from the threat or use of force and to abide in their relations with other States by the principles of sovereign equality, territorial integrity, inviolability of international frontiers, inadmissibility of the acquisition and occupation of the territories of other States by force, settlement of disputes — including frontier disputes — strictly by peaceful means, non-intervention and non-interference in the internal affairs of other States, respect for human rights, respect for the right of all nations to choose freely their social, political and economic systems and to develop their external relations in the way they deem best for the interest of their respective peoples in conformity with the Charter of the United Nations;

6. To ensure the free exercise of the right of the peoples under colonial and alien domination to self-determination and to promote majority rule, especially where racial oppression, in particular *apartheid*, has deprived peoples from exercising their inalienable rights;

⁴⁸ See the report of the First Committee to the thirty-second session of the General Assembly on agenda item 127 (A/32/451).

7. To work towards the establishment and development of just and balanced economic relations among States and to strive to narrow the gap between the developed and developing countries, in accordance with the resolutions of the General Assembly adopted by consensus at its sixth and seventh special sessions on the establishment of the new international economic order;⁴⁹

8. To encourage and promote respect for human rights and fundamental freedoms for all in conformity with the Universal Declaration of Human Rights and other relevant international treaties and instruments, including the International Covenants on Human Rights;⁵⁰

9. To foster mutual understanding and trust among peoples by promoting and facilitating cultural exchanges, freer movement and contacts among them both on an individual and a collective basis;

10. To develop further their relations and co-operation in conformity with the purposes and principles of the Charter of the United Nations and to observe the principles set forth above which derive from the Charter, recognizing that nothing in the present Declaration could either alter or detract from obligations they might have undertaken in relation to other States in accordance with the principles of international law and the Charter.

(d) Safety of international civil aviation

This question was included in the agenda of the thirty-second session of the General Assembly further to an initiative of 42 Member States, prompted by the serious concern caused by the recent escalation of unlawful interference with civil air travel and its consequences for the safety of international civil aviation.⁵¹ The question was allocated to the Special Political Committee which decided to begin its debate thereon by hearing statements by the President of the Council of ICAO⁵² and by the representatives of the International Federation of Airline Pilots Associations.⁵²

On 3 November 1977, the General Assembly, on the recommendation of the Special Political Committee,⁵³ adopted resolution 32/8 in which it *inter alia* reiterated and reaffirmed its condemnation of acts of aerial hijacking or other interference with civil air travel through the threat or use of force, and all acts of violence which may be directed against passengers, crew and aircraft, whether committed by individuals or States; called upon all States to take all necessary steps to prevent such acts; appealed to all States which have not yet become parties to the Convention on Offences and Certain Other Acts Committed on Board Aircraft, signed at Tokyo on 14 September 1963,⁵⁴ the Convention for the Suppression of Unlawful Seizure of Aircraft, signed at The Hague on 16 December 1970,⁵⁵ and the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, signed at Montreal on 23 September 1971,⁵⁶ to give urgent consideration to ratifying or acceding to those conventions; called upon the International Civil Aviation Organization to undertake urgently further efforts with a view to ensuring the security of air travel and preventing the recurrence of acts of the nature referred to

⁴⁹ Resolutions 3201 (S-VI), 3202 (S-VI) and 3362 (S-VI).

⁵⁰ Resolution 2200 A (XXI), annex. Also reproduced in the *Juridical Yearbook*, 1966, p. 170.

⁵¹ See document A/32/245.

⁵² See document A/SPC.32/PV.7.

⁵³ See the report of the Special Political Committee to the thirty-second session of the General Assembly on agenda item 129 (A/32/320 and Corr.1).

⁵⁴ United Nations, *Treaty Series*, vol. 704, p. 219. Also reproduced in the *Juridical Yearbook*, 1963, p. 136.

⁵⁵ See *Juridical Yearbook*, 1970, p. 131.

⁵⁶ *Ibid.*, 1971, p. 143.

above, including the reinforcement of annex 17⁵⁷ to the Convention on International Civil Aviation, signed at Chicago on 7 December 1944;⁵⁸ and appealed to all Governments to make serious studies of the abnormal situation related to hijacking.

(e) Peaceful uses of outer space

The Legal Sub-Committee of the Committee on the Peaceful Uses of Outer Space held its sixteenth session in New York from 14 March to 8 April 1977.⁵⁹

At that session, it re-established its Working Groups I, II and III entrusted, respectively, with the consideration of the draft treaty relating to the moon, the elaboration of principles governing the use by States of artificial earth satellites for direct television broadcasting and the legal implications of remote sensing of the earth from space.

Working Group I decided, as it had done at previous sessions of the Sub-Committee, to give priority to the question of the natural resources of the moon which was generally regarded as the key issue whose solution could facilitate an agreement on the two main outstanding issues, namely the question of the scope of the treaty and that of the information to be furnished on missions to the moon. The Working Group was unable to arrive at a consensus on the question of the natural resources of the moon. In the Legal Sub-Committee, the discussion principally concerned the question of the legal status of the moon and its natural resources; no compromise solution could be reached.

Working Group II (on direct broadcast satellites) decided that it would continue to consider the formulation of the three remaining principles ("consent and participation", "programme content" and "unlawful/inadmissible broadcasts"). The Working Group expressed the hope that in view of the progress made during the session all delegations would do their best to overcome the remaining differences so that the task entrusted to the Sub-Committee in General Assembly resolution 31/8⁶⁰ would be fulfilled at the following session of the Committee on the Peaceful Uses of Outer Space. In the Legal Sub-Committee, the statements made principally concerned the questions of prior agreements and free flow of information.

Working Group III (on remote sensing) was successful in formulating six additional draft principles, a fact of which the Legal Sub-Committee took note with appreciation.

In addition to reviewing the work of its Working Groups, the Legal Sub-Committee also devoted some time, in plenary, to the question of the definition and/or delimitation of outer space.

The report of the Legal Sub-Committee was considered by the Committee on the Peaceful Uses of Outer Space at its twentieth session held at Vienna from 20 June to 1 July 1978.⁶¹ The Committee (1) agreed that the Legal Sub-Committee at its seventeenth session should continue its work on the draft treaty relating to the moon as a matter of high priority; (2) established a working party of the whole to review the outstanding matters concerning direct broadcast satellites, and recommended, in the light of the progress achieved, that the Legal Sub-Committee should continue to consider, as a matter of high priority, the elaboration of principles governing the use by States of artificial

⁵⁷ See *International Standards and Recommended Practices: Security — Safeguarding international civil aviation against acts of unlawful interference* (International Civil Aviation Organization (Montreal, August 1974). This first edition of annex 17 was adopted by the Council of the International Civil Aviation Organization) on 22 March 1974.

⁵⁸ United Nations, *Treaty Series*, vol. 15, p. 295.

⁵⁹ For the report of the Sub-Committee, see document A/AC.105/196.

⁶⁰ Namely, under operative paragraph 4 (a) (ii), "to consider completing the elaboration of draft principles governing the use by States of artificial earth satellites for direct television broadcasting with a view to concluding an international agreement or agreements".

⁶¹ For the report of the Committee, see *Official Records of the General Assembly, Thirty-second Session, Supplement No. 20 (A/32/20)*.

earth satellites for direct television broadcasting; and (3) recommended that the Sub-Committee should continue, on the basis of high priority, to give detailed consideration to the legal implications of remote sensing, with the aim of formulating draft principles relating to remote sensing.

On 20 December 1977, the General Assembly adopted two resolutions, 32/195 and 32/196, under its agenda item "International co-operation in the peaceful uses of outer space".

Resolution 32/195, adopted by consensus, commemorated the tenth anniversary of the entry into force 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.⁶² The General Assembly, *inter alia*, invited States which had not yet become parties to the Treaty to ratify or accede to it as soon as possible.

Resolution 32/196, on international co-operation in the peaceful uses of outer space, contained two parts: part A, which concerned the work of the Committee on the Peaceful Uses of Outer Space and of its Sub-Committees; and part B, which provided for an increase in the membership of the Committee.

In part A, which was adopted by consensus, the General Assembly invited States which had not yet become Parties to the Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies;⁶³ to the Agreement on the Rescue of Astronauts, the Return of Astronauts and the Return of Objects Launched into Outer Space;⁶⁴ to the Convention on International Liability for Damage Caused by Space Objects⁶⁵ and to the Convention on Registration of Objects Launched into Outer Space⁶⁶ to give early consideration to ratifying or acceding to those international agreements. The Assembly further noted with satisfaction the considerable progress achieved by the Legal Sub-Committee and by a Working Party of the Committee on the Peaceful Uses of Outer Space, in the elaboration of draft principles governing the use by States of artificial earth satellites for direct television broadcasting, and the work done in formulating a tentative text of a principle of "consultation and agreements between States" and a draft preamble. It further noted with satisfaction that the Legal Sub-Committee had achieved significant progress by formulating six additional draft principles relating to the legal implications of remote sensing of the earth from space, had continued its efforts to complete the draft treaty relating to the moon, and had discussed questions relating to the definition and/or delimitation of outer space and outer space activities. The Assembly recommended that the Legal Sub-Committee at its next session should continue, as matters of high priority, (a) its efforts to complete the elaboration of draft principles governing the use by States of artificial earth satellites for direct television broadcasting; (b) its detailed consideration of the legal implications of remote sensing of the earth from space, with the aim of formulating draft principles; (c) its consideration of the draft treaty relating to the moon. It also recommended that the Legal Sub-Committee at its next session should continue to discuss questions relating to the definition and/or delimitation of outer space activities, and also bear in mind questions relating to the geostationary orbit.

⁶² Reproduced in the *Juridical Yearbook*, 1965, p. 166.

⁶³ *Ibid.*

⁶⁴ *Ibid.*, 1967, p. 269.

⁶⁵ *Ibid.*, 1971, p. 111.

⁶⁶ *Ibid.*, 1974, p. 89.

3. ECONOMIC, SOCIAL AND HUMANITARIAN ACTIVITIES

(a) Human rights questions⁶⁷

(1) *Status and implementation of international instruments*

*International Covenants on Human Rights*⁶⁸

As at 31 December 1977, the International Covenant on Economic, Social and Cultural Rights, which entered into force on 3 January 1976, had been ratified or acceded to by 46 States, the International Covenant on Civil and Political Rights, which entered into force on 23 March 1976, had been ratified or acceded to by 44 States and the Optional Protocol to the latter Covenant, which entered into force on the same date, had been ratified or acceded to by 16 States.⁶⁹

By its resolution 32/66, adopted on the report of the Third Committee⁷⁰ the General Assembly, *inter alia*, recognized the importance of the Covenants as a major step in the international efforts to promote universal respect for and observance of human rights and fundamental freedom, noted with appreciation the report of the Human Rights Committee on its first and second sessions⁷¹ and invited again all States which had not yet done so to become parties to the Covenants and to consider the possibilities of acceding to the Optional Protocol thereto.

*International Convention on the Elimination of All Forms of Racial Discrimination*⁷²

As of 31 December 1977, the Convention had been ratified or acceded to by 97 States.⁷³ In its resolution 32/11, adopted on the recommendation of the Third Committee,⁷⁴ the General Assembly, *inter alia*, appealed to States which had not yet become parties to the Convention to ratify it or accede thereto and further appealed to States parties to the Convention to study the possibility of making the declaration provided for in article 14 of the Convention.

The General Assembly further adopted, also on the recommendation of the Third Committee,⁷⁵ resolution 32/13 on the report of the Committee on the Elimination of Racial Discrimination on its fifteenth and sixteenth sessions⁷⁶ in which it, *inter alia*, commended the Committee for furthering the implementation of the Convention, invited the States parties to the Convention to observe fully the provisions of the Convention and other international instruments and agreements to which they were parties concerning the elimination of all forms of discrimination based on race, colour, descent or

⁶⁷ For detailed information, see the report of the Commission on Human Rights on its thirty-third session (*Official Records of the Economic and Social Council, Sixty-second Session, Supplement No. 6* (E/5927)).

⁶⁸ See General Assembly resolution 2200 A (XXI), annex. Also reproduced in the *Juridical Yearbook*, 1966, p. 170. *et seq.*

⁶⁹ For the list of the States parties to those instruments as at 31 December 1977, see *Multilateral Treaties in Respect of which the Secretary-General Performs Depositary Functions* (ST/LEG/SER.D/11—United Nations publication, Sales No. E.78.V.6).

⁷⁰ See the report of the Third Committee to the thirty-second session of the General Assembly on agenda item 81 (A/32/333).

⁷¹ *Official Records of the General Assembly, Thirty-second Session, Supplement No. 44* (A/32/44 and Corr.1).

⁷² See General Assembly resolution 2106 A (XX), annex. Also reproduced in the *Juridical Yearbook*, 1965, p. 63.

⁷³ See foot-note 69 above.

⁷⁴ See the report of the Third Committee to the thirty-second session of the General Assembly on agenda item 74 (A/32/307 and Add.1).

⁷⁵ *Ibid.*

⁷⁶ *Official Records of the General Assembly, Thirty-second Session, Supplement No. 18* (A/32/18).

national or ethnic origin and invited all States not yet parties to the Convention to be guided by its provisions in their internal and foreign policies.

*International Convention on the Suppression and Punishment of the Crime of Apartheid*⁷⁷

As of 31 December 1977, the Convention had been ratified or acceded to by 38 States.⁷⁸ In its resolution 32/12, adopted on the recommendation of the Third Committee,⁷⁹ the General Assembly, *inter alia*, requested all States which had not yet become parties to the Convention to accede thereto as soon as possible, welcomed the establishment of a group as provided for by article IX of the Convention⁸⁰ and invited the Commission on Human Rights to continue its efforts to undertake the functions set out in article X of the Convention.

(2) *Question of torture and other cruel, inhuman or degrading treatment or punishment*

In connexion with this question, the General Assembly adopted three resolutions at its thirty-second session.⁸¹ In resolution 32/62, it recalled the Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment⁸² and requested the Commission on Human Rights to draw up a draft convention on that question in the light of the principles embodied in the Declaration. In resolution 32/63, it requested the Secretary-General to draw up and circulate among Member States a questionnaire soliciting information concerning the steps they had taken to put into practice the principles of the Declaration. In resolution 32/64, it called upon all Member States to reinforce their support of the Declaration by making unilateral declarations against torture and other cruel, inhuman or degrading treatment or punishment along the lines of the model unilateral declaration annexed to the resolution.⁸³

(3) *Human rights of migrant workers*

By its resolution 32/120, adopted on the recommendation of the Third Committee,⁸⁴ the General Assembly, *inter alia*, invited all States (a) to extend to migrant workers having regular status in their territories treatment equal to that enjoyed by their own nationals with regard to the enjoyment of fundamental human rights; (b) to promote and facilitate by all means in their power the implementation of the relevant international instruments and the adoption of bilateral agreements designed, *inter alia*, to eliminate the illicit traffic in alien workers; (c) to take all necessary and appropriate measures to ensure

⁷⁷ See General Assembly resolution 3068 (XXVIII), annex. Also reproduced in the *Juridical Yearbook*, 1973, p. 70.

⁷⁸ See foot-note 69 above.

⁷⁹ See the report of the Third Committee to the thirty-second session of the General Assembly on agenda item 74 (A/32/307).

⁸⁰ The Working Group on the Implementation of the International Convention on the Suppression and Punishment of the Crime of *Apartheid* established by the Chairman of the Commission on Human Rights at its thirty-third session consists of the following members: Cuba, Nigeria and Syrian Arab Republic.

⁸¹ See the report of the Third Committee to the thirty-second session of the General Assembly on agenda item 80 (A/32/355).

⁸² See General Assembly resolution 3452 (XXX), annex. Also reproduced in the *Juridical Yearbook*, 1975, p. 48.

⁸³ The model unilateral declaration reads as follows:

“The Government of . . . hereby declares its intention:

“(a) To comply with the Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (General Assembly resolution 3452 (XXX), annex);

“(b) To implement, through legislation and other effective measures, the provisions of the said Declaration.”

⁸⁴ See the report of the Third Committee to the thirty-second session of the General Assembly on agenda item 12 (A/32/458).

that the fundamental human rights and acquired social rights of all migrant workers, irrespective of their status, are fully respected under their national legislation. The General Assembly further called upon all States to give consideration to ratifying the ILO Migrant Workers (Supplementary Provisions) Convention, 1975.⁸⁵

(4) *International Declaration against Apartheid in Sports*

By its resolution 32/105 M, the General Assembly adopted an International Declaration against *Apartheid* in Sports (annexed to the resolution) and requested the *Ad Hoc* Committee on the Drafting of an International Convention against *Apartheid* in Sports to draft such a convention for submission to the General Assembly at its thirty-third session.

(b) Status of women

The legal instruments dealing with the protection and promotion of women's rights which have been adopted under the auspices of the United Nations include the 1966 International Covenants on Human Rights,⁸⁶ the 1950 Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others,⁸⁷ the 1956 Supplementary Convention on the Abolition of Slavery, the Slave Trade and Institutions and Practices similar to Slavery⁸⁸ and the 1956 Convention on the Recovery Abroad of Maintenance.⁸⁹ Other legally-binding instruments which deal exclusively with women's rights are the 1953 Convention on the Political Rights of Women,⁹⁰ the 1957 Convention on the Nationality of Married Women⁹¹ and the 1962 Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriage.^{92, 93}

At its sixty-second session in 1977, the Economic and Social Council had before it a draft convention on the elimination of discrimination against women adopted by the Commission on the Status of Women at its resumed twenty-sixth session held in December 1976.⁹⁴ By its resolution 2058 (LXII), the Council requested the General Assembly to take up consideration of the draft convention as a matter of urgency at the outset of its thirty-second session with a view to its adoption at that session.

At the thirty-second session of the General Assembly, the Third Committee established a Working Group of the Convention on the Elimination of Discrimination against Women. In its resolution 32/136, adopted on the report of the Third Committee,⁹⁵ the General Assembly took note with satisfaction of the report of the Working Group⁹⁶ and recommended that a working group should be established at the beginning of the thirty-third session to continue consideration of the articles which had not yet been completed.

⁸⁵ International Labour Office, *Official Bulletin*, vol. LVIII, 1975, Series A, No. 1, Convention No. 143.

⁸⁶ See foot-note 68 above.

⁸⁷ United Nations, *Treaty Series*, vol. 96, p. 271.

⁸⁸ *Ibid.*, vol. 266, p. 3.

⁸⁹ *Ibid.*, vol. 268, p. 3.

⁹⁰ *Ibid.*, vol. 193, p. 135.

⁹¹ *Ibid.*, vol. 309, p. 65.

⁹² *Ibid.*, vol. 521, p. 231.

⁹³ For a list of the States parties to those instruments see *Multilateral Treaties in Respect of which the Secretary-General Performs Depositary Functions* (ST/LEG/SER.D/11), United Nations publication, Sales No. E.78.V.6).

⁹⁴ For the text of the draft, see *Official Records of the Economic and Social Council, Sixty-second Session, Supplement No. 3* (E/5909), p. 2.

⁹⁵ See the report of the Third Committee to the thirty-second session of the General Assembly on agenda item 85 (A/32/440).

⁹⁶ A/C.3/32/L.59.

(c) Crime prevention and criminal justice

(1) *Range of application and implementation of the Standard Minimum Rules for the Treatment of Prisoners*

The recommendations of the Committee on Crime Prevention and Control on the range of application and the implementation of the Standard Minimum Rules for the Treatment of Prisoners,⁹⁷ prepared in pursuance of Economic and Social Council resolution 1993 (LX) and included in the Committee's report on its fourth session,⁹⁸ were submitted to the Commission for Social Development at its twenty-fifth session. The Commission, having considered the report, adopted a draft resolution recommending to the Council, *inter alia*, the adoption of the draft resolution proposed by the Committee on this subject.⁹⁹

The Council, having considered the reports of the Commission for Social Development and of the Committee on Crime Prevention and Control, on 13 May 1977 adopted without a vote, on the recommendation of its Social Committee,¹⁰⁰ resolution 2076 (LXII) in which it decided to add a new rule, 95, to the Standard Minimum Rules approved by the Council on 31 July 1957,⁹⁷ in order to widen their scope to all categories of detainees, in particular to any person deprived of liberty, regardless of whether a criminal charge had been lodged against that individual. The new rule also mentioned the International Covenant on Civil and Political Rights and warned against the application of re-educational or rehabilitative measures to persons who had not yet been convicted of any criminal offence.

(2) *Capital punishment*

In its resolution 32/61, the General Assembly reaffirmed that the main objective to be pursued in the field of capital punishment was that of progressively restricting the number of offences for which the death penalty might be imposed, with a view to the desirability of abolishing this punishment. The Assembly also urged Member States to provide the Secretary-General with information for his 1980 reports on capital punishment and invited the Economic and Social Council to report to the Assembly on this question in 1980. Moreover, the Assembly called upon the Sixth United Nations Congress on the Prevention of Crime and the Treatment of Offenders to discuss the question of capital punishment and requested the Committee on Crime Prevention and Control to undertake the necessary preparations for this purpose.

(d) United Nations Environment Programme

At its fifth session held at Nairobi from 9 to 25 May 1977,¹⁰¹ the Governing Council of the United Nations Environment Programme *inter alia* adopted a resolution (91 (V)) on environmental law in which it expressed the desire to promote the further development of international law related to the protection of the environment as well as to develop further the relevant principles contained in the Declaration of the United Nations Conference on the Human Environment¹⁰² as they relate to liability for pollution and other environmental damage and compensation for such damage. Having taken note of the report of the Group of Experts on Liability for Pollution and Other Environmental

⁹⁷ *First United Nations Congress on the Prevention of Crime and the Treatment of Offenders: report by the Secretariat* (United Nations publication, Sales No. 1956.IV.4), annex I.A.

⁹⁸ E/CN.5/536.

⁹⁹ See *Official Records of the Economic and Social Council, Sixty-second Session, Supplement No. 5* (E/5915).

¹⁰⁰ For the report of the Social Committee of the Council, see document E/5964 and Corr.1 reproduced in *Official Records of the General Assembly, Thirty-second Session, Supplement No. 3* (A/32/3), paras. 330-335.

¹⁰¹ For detailed information, see *Official Records of the General Assembly, Thirty-second Session, Supplement No. 25* (A/32/25).

¹⁰² United Nations publication, Sales No. E.73.II.A.14 and Corr.1, chap. I.

Damage and Compensation for such Damage,¹⁰³ the Governing Council *inter alia* requested the Executive Director to convene as soon as possible a small working group on environmental law composed of government experts to examine and further pursue the work undertaken in the area under consideration.

With respect to marine pollution, the Governing Council in its resolution 88 (V) noted that the application of the international conventions concluded with a view to reducing pollution of the seas was still limited and that not all interested States had yet become parties to them; it therefore recommended that States which had not yet acceded to this convention do so as soon as possible.

On the question of co-operation in the field of the environment concerning natural resources shared by two or more States, the Governing Council having considered the reports of the Intergovernmental Working Group of Experts on Natural Resources Shared by Two or More States¹⁰⁴ adopted resolution 99 (V) in which it *inter alia* requested the Executive Director to reconvene the Working Group as soon as possible. At its January 1977 session, the Working Group completed a first reading of a series of draft principles of conduct in the field of the environment for the guidance of States in the conservation and harmonious exploitation of natural resources shared by two or more States, and tentatively drafted a compromise text or texts for each principle.

(e) Office of the United Nations High Commissioner for Refugees¹⁰⁵

In providing international protection to refugees under resolution 428 (V) of the General Assembly and the Statute of his Office annexed thereto, the High Commissioner was faced in 1977 with an increased influx of refugees, particularly in Africa and Asia. In accordance with article 8 of the Statute, the High Commissioner pursued the promotion of accession to international legal instruments affecting refugees, notably the 1951 Convention on the Status of Refugees¹⁰⁶ and its 1967 Protocol.¹⁰⁷ In 1977 the number of parties to the 1951 Convention rose from 68 to 72, and the number of parties to the 1967 Protocol rose from 63 to 67.¹⁰⁸ Accessions to the OAU Convention of 1969 Governing Specific Aspects of Refugee Problems¹⁰⁹ remained unchanged at 18.

An important development was the adoption by the Diplomatic Conference on the Reaffirmation and Development of International Humanitarian Law applicable in Armed Conflicts of Protocol I¹¹⁰ to the Geneva Conventions of 12 August 1949¹¹¹ which includes provisions of benefit to refugees and stateless persons.

A number of countries throughout the world admitted thousands of asylum-seekers. The grant of asylum has nevertheless continued to be problematical in certain respects. Thus in some cases refugees were denied asylum, and in others they were admitted on a temporary basis only.

The problem of persons leaving the Indo-Chinese peninsula in small boats and seeking asylum has remained acute. As of 31 March 1978, the total number of such persons known to UNHCR was nearly 27,000, of whom some 20,000 had already been resettled or accepted for resettlement. The High Commissioner issued, jointly with the Inter-

¹⁰³ UNEP/WG.8/3.

¹⁰⁴ See UNEP/GC/74 and UNEP/GC/101.

¹⁰⁵ For detailed information, see *Official Records of the General Assembly, Thirty-second Session, Supplement No. 12 and 12 A (A/32/12 and Add.1)* and *ibid.*, *Thirty-third Session, Supplement No. 12 and 12 A (A/33/12 and Add.1)*.

¹⁰⁶ United Nations, *Treaty Series*, vol. 189, p. 137.

¹⁰⁷ *Ibid.*, vol. 606, p. 267. Also reproduced in the *Juridical Yearbook*, 1967, p. 285.

¹⁰⁸ For the list of the States parties to those instruments, see *Multilateral Treaties in Respect of which the Secretary-General Performs Depositary Functions (ST/LEG/SER.D/11)*, United Nations publication, Sales No. E.78.V.6).

¹⁰⁹ Organization of African Unity document CM/267/Rev.1.

¹¹⁰ Reproduced on p. 95 of this *Yearbook*.

¹¹¹ United Nations, *Treaty Series*, vol. 75.

Governmental Maritime Consultative Organization, an appeal aimed at ensuring that ships' masters observe scrupulously the obligations of international instruments regarding rescue at sea. The High Commissioner also continues to appeal to competent authorities to permit the landing of persons so rescued for temporary asylum pending their resettlement.

The fundamental principles of asylum and non-refoulement were emphasized in the conclusions of the twenty-eighth session of the UNHCR Executive Committee,¹¹² where the Committee, *inter alia*, appealed to Governments to follow, or continue to follow, liberal practices in granting permanent or at least temporary asylum to refugees coming directly to their territory,¹¹³ and by the General Assembly, which, in resolution 32/67 adopted on 8 December 1977 urged Governments to co-operate with the High Commissioner in promoting permanent and speedy solutions through voluntary repatriation and assistance in rehabilitation of returnees, integration in countries of asylum or resettlement in other countries, and further urged Governments to facilitate the High Commissioner's efforts in the field of international protection through accessions to and effective implementation of international and regional instruments relating to refugees, as well as by following humanitarian principles in granting asylum and by ensuring that they were scrupulously observed.

The related problem of expulsion has also continued to receive close attention.

Measures to ensure the physical protection of refugees were again required in some countries. While they are primarily the responsibility of the governments of the countries of residence, UNHCR is nevertheless called upon to investigate and intervene with the competent national authorities in cases, for instance, where refugees are in physical danger or in prolonged detention.

During 1977, procedures for the determination of refugee status in accordance with the definition contained in the 1951 Convention and the 1967 Protocol have been established by the authorities of Djibouti, Greece, Australia and Canada. Other countries are giving consideration to the matter. UNHCR has also continued to advise Governments on the issue of travel and identity documents to refugees.

Efforts aimed at the reunification of refugee families have been pursued, whether by helping relatives of refugees to receive authorization to leave their country of origin, or by helping them to leave the country of asylum and gain admission to a country of resettlement.

UNHCR efforts under the 1951 Convention to promote the economic and social rights of refugees have led to an improvement in their position in certain countries. UNHCR has also continued to promote naturalization, as provided for under the 1951 Convention. Positive measures were taken to this end notably in Belgium, the Federal Republic of Germany and Spain.

The Government of the Federal Republic of Germany has pursued its co-operation with UNHCR in providing compensation payments to refugees or former refugees who had suffered persecution under the national-socialist régime on account of their nationality. Furthermore, the Government of Uganda has embarked upon a 10-year programme of payments to Ugandan Asians outside Uganda to compensate for the loss of their assets.

(f) International drug control¹¹⁴

In 1977, the United Nations, within the framework of the international treaties, continued to carry out, through its organs and its Secretariat the work entrusted to it in the

¹¹² Document A/AC.96/549, also reproduced in *Official Records of the General Assembly, Thirty-second Session, Supplement No. 12 A (A/32/12/Add.1)*.

¹¹³ *Ibid.*, p. 13.

¹¹⁴ For detailed information, see the report of the Commission on Narcotic Drugs on its twenty-seventh session in *Official Records of the Economic and Social Council, Sixty-second Session, Supplement No. 7 (E/5933)*.

field of international drug control aimed at restricting the supply and use of narcotic drugs and psychotropic substances to medical and scientific purposes.

In connexion with the Single Convention on Narcotic Drugs 1961,¹¹⁵ the International Narcotics Control Board requested an opinion of the Office of Legal Affairs of the United Nations Secretariat on the question whether international shipments of small quantities of drugs seized in the illicit drug traffic for the purpose of examination in foreign laboratories or of evidence to be produced in the course of court proceedings should be exempt from the provisions of article 31 of the Single Convention.^{116, 117}

In connexion with the 1971 Convention on Psychotropic Substances¹¹⁸ the opinion of the Office of Legal Affairs was requested on the question of salts, esters, isomers and ethers of substances listed in schedules I-IV annexed to the Convention.^{119, 120}

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

The sixth session of the Third United Nations Conference on the Law of the Sea was held from 23 May to 15 July 1977 at New York.

The first session of the Conference, held at New York from 3 to 15 December 1973,¹²¹ had been devoted primarily to organizational and procedural matters.¹²² The second session, held at Caracas, Venezuela, from 20 June to 29 August 1974,¹²³ had begun substantive work on the question of ocean law before the Conference. At the third session, held at Geneva, Switzerland, from 17 March to 9 May 1975,¹²⁴ the three Chairmen of the three Committees prepared a single negotiating text which was issued on 7 May 1975 and presented to the Conference at the final day of the plenary on 9 May 1975 (A/CONF.62/WP.8/Parts I, II and III).¹²⁵ After the third session, the President circulated a fourth part of the single negotiating text on settlement of disputes (A/CONF.62/WP.9). At the fourth session, the Chairmen of the main Committees revised the single negotiating text (A/CONF.62/WP.8/Rev.1)¹²⁶ and the President prepared a first revision of the part on the settlement of disputes (A/CONF.62/WP.9/Rev.1).¹²⁷ At the fifth session, the President prepared a second revision of that same part (A/CONF.62/WP.9/Rev.2).¹²⁸

A total of 148 States participated in the sixth session. In addition, two territories — the Netherlands Antilles and the Trust Territory of the Pacific Islands¹²⁹ — 10 specialized agencies or United Nations bodies, 11 intergovernmental organizations, 32 non-govern-

¹¹⁵ United Nations, *Treaty Series*, vol. 520, p. 151.

¹¹⁶ For the text of the opinion, see p. 228 of this *Yearbook*.

¹¹⁷ For the relevant decision of the Commission on Narcotic Drugs, see *Official Records of the Economic and Social Council, 1978, Supplement No. 5 (E/1978/35)*, resolution 4 (S-V), p. 80.

¹¹⁸ A/CONF.58/6.

¹¹⁹ For the text of the opinion, see p. 230 of this *Yearbook*.

¹²⁰ For the relevant decision of the Commission on Narcotic Drugs see *Official Records of the Economic and Social Council, Sixty-second Session, Supplement No. 7 (E/5933)*, paras. 442-448.

¹²¹ See *Official Records of the Third United Nations Conference on the Law of the Sea*, vols. I and III (United Nations publication, Sales Nos. E.75.V.3 and E.75.V.5).

¹²² *Ibid.*, vols. II and III (United Nations publication, Sales Nos. E.75.V.4. and E.75.V.5.).

¹²³ *Ibid.*, vol. IV (United Nations publication, Sales No. E.75.V.10).

¹²⁴ *Ibid.*, p. 137.

¹²⁵ *Ibid.*, vol. V (United Nations publication, Sales No. E.76.V.8), p. 111.

¹²⁶ *Ibid.*, p. 125.

¹²⁷ *Ibid.*, p. 185.

¹²⁸ *Ibid.*, vol. VI (United Nations publication, Sales No. E.77.V.2), p. 144.

¹²⁹ See General Assembly resolution 3334 (XXIX).

mental organizations having consultative status with the Economic and Social Council, and 4 national liberation movements recognized by the Organization of African Unity or the League of Arab States, participated as observers.

The rules of procedure of the Conference remained as adopted at the second session and as amended at the third, as did the “gentleman’s agreement” annexed to the rules, by which the Conference was to make every effort to reach agreement on substantive matters by consensus, and by which there was to be no voting on such matters until all efforts at consensus had been exhausted.¹³⁰

The aim of the Third United Nations Conference on the Law of the Sea was to have a comprehensive convention on all ocean issues including those which were outstanding from the first two Conferences, held in 1958¹³¹ and 1960.¹³² In particular, the Conference was to try to establish a definition of an international régime for the sea-bed and ocean floor beyond the limits of national jurisdiction and to ensure that the resources of the marine environment would be exploited for the benefit of mankind. This involved questions as to who might exploit the sea-bed and ocean floor beyond national jurisdiction and what the basic conditions of exploration and exploitation should be. These subjects were assigned to the First Committee. Definitions of and régimes for such concepts as the territorial sea, international straits, the continental shelf and an exclusive economic zone, were dealt with by the Second Committee, and regulations to cover the preservation of the marine environment, marine scientific research and the development and transfer of technology, were covered by the Third Committee.

The subject of the settlement of disputes was dealt with by the Plenary and, as relevant to their mandates, by each of the Committees. Other subjects such as the preamble and final clauses and the peaceful uses of the sea were also dealt with in plenary. The basis for the work of the Conference at its sixth session was the revised single negotiating text.

Organization of work

At its 77th meeting, on 23 May 1977,¹³³ following upon its conclusions at its 76th meeting on 17 September 1976, the Conference adopted its programme of work based on the recommendation of the President in document A/CONF.62/BUR.5. The first three weeks would be devoted to First Committee matters but the Second and Third Committee could meet to decide on their organization of work.

The Conference also agreed to authorize the President, after the fifth week of the session, to prepare an “informal composite negotiating text” that would serve as a basis for further negotiations. This text would consolidate and replace the existing revised single negotiating text drawn up at the fifth session in 1976 (A/CONF.62/WP.8/Rev.1 and WP.9/Rev. 2). The President added that negotiations should proceed through informal meetings, as at previous sessions.

The Conference agreed without objection to invite a delegation from the United Nations Council for Namibia to sit with delegations and participate fully in the work of the Conference.

Work of the Committees

The First Committee established an informal Chairman’s Working Group of the Whole — subsequently renamed Chairman’s Negotiating Group, which concentrated on

¹³⁰ A/CONF.62/30/Rev.1 (United Nations publication, Sales No. E.74.I.18).

¹³¹ See *United Nations Conference on the Law of the Sea, Official Records*, vols. I to VII (United Nations publication, Sales No. 58.V.4, vols. I-VII).

¹³² See *Second United Nations Conference on the Law of the Sea, Official Records*, vol. I (United Nations publication, Sales No. 60.V.6) and vol. II (United Nations publication, Sales No. 62.V.3).

¹³³ *Third United Nations Conference on the Law of the Sea, Official Records*, vol. VII, p. 3.

the problems of exploitation, notably the modalities of the system, including its duration, basic conditions of exploration and exploitation, the viability of the Enterprise and the resource policies of the Authority.

The Second Committee considered a proposal that the Secretariat should prepare a study demonstrating the implications of various formulae for the definition of the outer edge of the continental margin. It was agreed that the study would be a preliminary one, including maps and that the purpose would be to show both on maps and in figures the difference in area between various approaches to the problem of the limit of national jurisdiction over the continental shelf. The Second Committee continued its work through informal meetings of the Committee of the whole and of negotiating groups: one on the legal status of the exclusive economic zone and the rights and duties of the coastal State and other States in that zone; another on the definition of the outer edge of the continental margin and payments and contributions in respect of the exploitation of the continental shelf beyond 200 miles; and the third on the delimitation of the territorial sea, the exclusive economic zone and the continental shelf between States adjacent to one another or facing one another across a body of water.

The Third Committee continued its negotiations through two working groups, one on the protection of the marine environment and the other on marine scientific research.

The Informal Plenary acting as a Committee conducted negotiations on the subject of settlement of disputes, based on part IV of the revised single negotiating text (A/CONF.62/WP.9/Rev.2) prepared by the Conference at its fifth session. The negotiations were centred on the following main issues (1) the freedom of choice of forum by States and the forum having jurisdiction where the parties to a dispute had not agreed on the forum; (2) the question as to whether there should be a choice of alternative forums for disputes relating to the Area, or whether a chamber of the Law of the Sea Tribunal would have compulsory jurisdiction over such disputes; (3) applications for the expeditious release of vessels detained by a coastal State; (4) provisional measures pending final settlement of disputes; (5) delimitation disputes between States with opposite or adjacent coasts; and (6) optional exceptions from the compulsory settlement of disputes which the Security Council is dealing with, and those concerning military and law-enforcement activities in the exclusive economic zone; (7) the exception from compulsory jurisdiction of disputes relating to the exercise of sovereign rights by coastal States in the exclusive economic zone.

At the 78th meeting on 28 June 1977, the President presented his proposals for the preparation of an informal composite negotiating text (A/CONF.62/L.20). These proposals were adopted by the Conference. The informal composite negotiating text which was completed after the adjournment of the sixth session (A/CONF.62/WP.10)¹³⁴ — contains a preamble, 16 parts divided into 303 articles and 7 annexes. Part I deals with use of terms, parts II to X with the general aspects of the Law of the Sea, part XI with the sea-bed régime and machinery, part XII with the protection and preservation of the marine environment, part XIV with the development and transfer of marine technology, part XV with the settlement of disputes and part XVI with the final clauses.

At the end of the text appears an unnumbered provision carried over from the previous text, stating that the rights recognized or established by the convention to the resources of a dependent territory or one under foreign domination shall be vested in the inhabitants, and that the foreign administering or occupying Power must not exercise, profit or benefit from, or infringe such rights.

Site Offers

During the final week of the session, Fiji became the third country offering to provide the site for the proposed International Sea-bed Authority (A/CONF.62/56).¹³⁵ Jamaica had offered its capital, Kingston, in 1974. Malta had made a similar offer in 1975.

¹³⁴ *Ibid.*, vol. VIII (United Nations publication, Sales No. E.78.V.4).

¹³⁵ *Ibid.*, vol. VII, p. 50.

Portugal offered facilities in Lisbon for the proposed Law of the Sea Tribunal (A/CONF.62/55).¹³⁶ This was the first offer received concerning the Tribunal.

Decision of the General Assembly

On 20 December 1977, the General Assembly adopted resolution 32/194 by which it approved the convening of the seventh session at Geneva from 28 March to 12 May 1978 with a possible extension to 19 May if the Conference so decided, and empowered the Conference, if the progress of its work warranted, to decide at that stage to hold further meetings under arrangements to be determined in consultation with the Secretary-General.

5. INTERNATIONAL COURT OF JUSTICE^{137, 138}

(a) Cases submitted to the Court¹³⁹

Aegean Sea Continental Shelf (Greece v. Turkey)

On 10 August 1976 the Government of Greece filed an Application instituting proceedings against Turkey, and a request for the indication of interim measures of protection, in respect of a dispute concerning the *Aegean Sea Continental Shelf*. On 26 August 1976, the Registrar of the Court received from the Turkish Ministry of Foreign Affairs a letter expressing the view that the Greek Application was premature, that the request for interim measures should be rejected and that, in view of lack of jurisdiction, the case should be removed from that list. On 11 September 1976, the Court made an Order finding that the circumstances were not such as to require the exercise of its power to indicate interim measures of protection and that it would be necessary to resolve as the next step the question of its jurisdiction. By an order of 14 October 1976, the President fixed time-limits for the filing of written pleadings on that question. The Greek Government having requested that the time-limit for the Memorial be extended by three months in order to facilitate to the fullest extent possible the negotiations in progress with Turkey on the subject of the delimitation of the continental shelf between the two countries, the Court, by an order of 18 April 1977, extended to 18 July 1977 the time-limit for the Memorial of the Government of Greece and to 24 April 1978 the time-limit for the Counter-Memorial of the Government of Turkey. The Greek Government filed its Memorial on jurisdiction within the time-limit as thus extended.¹⁴⁰

(b) Other activities

Work on the over-all revision of the Rules of Court, begun in 1967, continued in

¹³⁶ *Ibid.*, p. 49.

¹³⁷ For the composition of the Court, see *Official Records of the General Assembly, Thirty-third Session, Supplement No. 4 (A/33/4)*, sect. I.

¹³⁸ As of 31 December 1977, the number of States recognizing the jurisdiction of the Court as compulsory in accordance with declarations filed under article 36, paragraph 2 of the Statute stood at 45.

¹³⁹ For detailed information, see *I.C.J. Reports 1977*; *I.C.J. Yearbook 1976-1977*, No. 31; and *I.C.J. Yearbook 1977-1978*, No. 32.

¹⁴⁰ The Government of Turkey did not file any Counter-Memorial within the extended time-limit of 24 April 1978 but on that date the Registrar received a letter in which the Ambassador of Turkey in The Hague informed the Court that his Government, considering the Court to lack jurisdiction, did not intend to appoint an agent or submit a Counter-Memorial. Following a request by the Government of Greece, the President fixed 4 October 1978 as the date for the opening of oral proceedings on the question of the Court's jurisdiction with respect to the case.

1977 and, following a general reconsideration by the special committee set up in 1967, the Court was seized of proposals which it discussed from 4 October to 8 November 1977.¹⁴¹

6. INTERNATIONAL LAW COMMISSION¹⁴²

TWENTY-NINTH DECISION OF THE COMMISSION¹⁴³

The International Law Commission held its twenty-ninth session at Geneva from 9 May to 29 July 1977. In accordance with General Assembly resolution 31/97 of 15 December 1976, the Commission at its 1977 session continued on a high priority basis its work on State responsibility. The three new articles provisionally adopted in 1977 relate to the following aspects: breach of an international obligation requiring the adoption of a particular course of conduct (article 20); breach of an international obligation requiring the achievement of a specified result (article 21); and exhaustion of local remedies (article 22).

Also in accordance with the above-mentioned resolution of the General Assembly, the Commission continued on a priority basis the preparation of draft articles on succession of States in respect of matters other than treaties. It provisionally adopted six additional articles, all dealing with the question of the succession of States to State debts and relating in particular to the definition of State debt (article 18), the obligations of the successor State in respect of State debts passing to it (article 19) and the effects of the passing of State debts with regard to creditors (article 20).

The Commission also continued on a priority basis its preparation of draft articles on treaties of international organizations, as requested by the Assembly. At the conclusion of its 1977 session, the Commission had provisionally adopted the draft articles constituting part I (Introduction) and part II (Conclusion and entry into force of treaties) of the draft and had begun consideration of part III (Observance, application and interpretation of treaties). In accordance with the method adopted by the Commission from the outset, it endeavours in the preparation of draft articles on the topic to follow the provisions of the 1969 Vienna Convention on the Law of Treaties¹⁴⁴ as a guide.

The Commission decided, on the recommendation of a Working Group it had established on the question of the elaboration of a protocol concerning the status of the diplomatic courier and the diplomatic bag not accompanied by diplomatic courier, to undertake the study of that topic in 1978. It also considered the question of the status, privileges and immunities of international organizations, their officials, experts and other persons engaged in their activities not being representatives of States.¹⁴⁵ Finally it singled out as topics which were possibilities for active consideration by the Commission: international liability for injurious consequences arising out of acts not prohibited by interna-

¹⁴¹ The revision of the texts was completed on 13 and 14 April 1978 and the new Rules of Court which were adopted on 14 April 1978 came into force on 1 July 1978. The 1972 Rules however continued to apply to the *Aegean Sea Continental Shelf Case*, which had been submitted to the Court before 1 July 1978.

¹⁴² For the membership of the Commission, see *Official Records of the General Assembly, Thirty-third Session, Supplement No. 10 (A/33/10)*, chap. I.

¹⁴³ For detailed information, see *Yearbook of the International Law Commission, 1977*, vol. I and vol. II, parts one and two (United Nations publications, Sales No. E.78.V.1 (Part I) and E.78.V.2 (Part II)).

¹⁴⁴ Reproduced in the *Juridical Yearbook, 1969*, p. 140.

¹⁴⁵ This question is the second part of the topic "Relations between States and international organizations", the first part of which was completed with the adoption in 1975 of the Vienna Convention on the Representation of States in their Relations with International Organizations of a Universal Character. (For the text see *Official Records of the United Nations Conference on the Representation of States in their Relations with International Organizations*, vol. II (United Nations publication, Sales No. E.75.V.12), p. 207; the Convention is also reproduced in the *Juridical Yearbook 1975*, p. 87.)

tional law; jurisdictional immunities of States and their property; and draft Code of Offences against the Peace and Security of Mankind.

CONSIDERATION BY THE GENERAL ASSEMBLY

At its thirty-second session, the General Assembly had before it the report of the Commission on its twenty-ninth session.¹⁴⁶ By its resolution 32/151, adopted on the recommendation of the Sixth Committee¹⁴⁷ the Assembly *inter alia* recommended that the Commission should (a) complete at its thirtieth (1978) session the second reading of the draft articles on the most-favoured nation clause adopted by the Commission in 1976;¹⁴⁸ (b) continue on a high priority basis its work on State responsibility; (c) proceed with the preparation, on a priority basis, of draft articles on (i) succession of States in respect of matters other than treaties, and (ii) treaties of international organizations and (d) continue its work on the law of the non-navigational uses of international watercourses.

The Assembly endorsed the conclusion reached by the Commission to study the proposals on the elaboration of a protocol concerning the status of the diplomatic courier and the diplomatic bag not accompanied by diplomatic courier, as well as the Commission's conclusion regarding the second part of the topic of relations between States and international organizations.

Furthermore, it invited the Commission, at an appropriate time and in the light of progress made on the draft articles on State responsibility and on other topics in its current programme of work, to commence work on the topics of international liability for injurious consequences arising out of acts not prohibited by international law and jurisdictional immunities of States and their property.

7. UNITED NATIONS COMMISSION ON INTERNATIONAL TRADE LAW¹⁴⁹

TENTH SESSION OF THE COMMISSION¹⁵⁰

At its tenth session held at Vienna from 23 May to 17 June 1977 the Commission approved the text of a draft Convention on the International Sale of Goods and continued its consideration of the subjects of international payments, international commercial arbitration and liability for damage caused by products intended for or involved in international trade.

The above-mentioned draft convention on the International Sale of Goods¹⁵¹ had been prepared by the Commission's Working Group on the International Sale of Goods. The Commission requested the Secretary-General to prepare a commentary on the provisions of the draft Convention, to circulate the draft Convention, together with the commentary, to Governments and interested international organizations for comments and proposals, and to prepare an analytical compilation of these comments and proposals. The Commission also recommended that the General Assembly convene, at an appro-

¹⁴⁶ *Official Records of the General Assembly, Thirty-second Session, Supplement No. 10 (A/32/10)*.

¹⁴⁷ See the report of the Sixth Committee to the thirty-second session of the General Assembly on agenda item 112 (A/32/433).

¹⁴⁸ See *Official Records of the General Assembly, Thirty-first Session, Supplement No. 10 (A/31/10)*, chap. II.

¹⁴⁹ For the membership of the Commission, see *Official Records of the General Assembly, Thirty-third Session, Supplement No. 17 (A/33/17)*, chap. I.

¹⁵⁰ For detailed information see *Yearbook of the United Nations Commission on International Trade Law*, vol. VIII: 1977 (United Nations publication, Sales No. E.78.V.7).

¹⁵¹ For the text, see *Official Records of the General Assembly, Thirty-second Session, Supplement No. 17 (A/32/17)*, para. 35.

appropriate time, an international Conference of Plenipotentiaries to conclude, on the basis of the draft as approved, a Convention on the International Sale of Goods.

With respect to international payments, the Commission considered two reports of the Secretary-General and a note by the Secretariat on the subject of security interests in goods. The Commission requested the Secretary-General to prepare for its twelfth session a further report on the feasibility and possible content of uniform rules on security interests and to carry out the further work in consultation with international organizations and banking and trade institutions.

The Commission also considered the subject of contract guarantees and decided to review this item at its eleventh session when the work of the International Chamber of Commerce on contract guarantees will have been concluded.

Regarding international commercial arbitration, the Commission considered a recommendation by the Asian-African Legal Consultative Committee (AALCC) by which it invited the Commission to consider the possibility of preparing a protocol to the Convention on the Recognition and Enforcement of Foreign Arbitral Awards, New York, 1958,¹⁵² aimed at clarifying certain questions that arose in the practice of international commercial arbitration. The Commission expressed the view that the questions raised by the AALCC deserved thorough study and consideration, and requested the Secretary-General to prepare, in consultation with interested organizations and arbitration centres, studies on these matters.

Finally, the Commission considered the subject of liability for damage caused by products intended for or involved in international trade on the basis of a report of the Secretary-General and an analysis of replies by Governments to a questionnaire on the subject. The Commission decided not to continue its work on the subject of products liability at this time and to review the matter in the context of its future programme of work.

CONSIDERATION BY THE GENERAL ASSEMBLY

The report of the Commission on the work of its tenth session¹⁵³ was considered by the Sixth Committee at the General Assembly's 1977 regular session. On the recommendation of the Sixth Committee,¹⁵⁴ the General Assembly adopted by consensus, on 16 December 1977, resolution 32/145 whereby it, *inter alia*, noted with satisfaction that a draft Convention on the International Sale of Goods had been prepared and that the Commission intended to place before the General Assembly, at its thirty-third session, draft provisions on the formation and validity of contracts for the international sale of goods. The Assembly expressed the view that both the draft Convention and the draft provisions on formation and validity of contracts should be considered by a conference of plenipotentiaries at an appropriate time.

The Assembly recommended that the Commission continue its work on the topics included in its programme of work and maintain close collaboration with the United Nations Conference on Trade and Development, to continue to maintain liaison with the Commission on Transnational Corporations, and to continue to give special consideration to the interests of developing countries — bearing in mind the special problems of land-locked countries.

The Assembly further called upon the Commission to take account of the relevant provisions of the resolutions of the sixth and seventh special sessions of the General Assembly that laid down the foundations of the new international economic order, and

¹⁵² United Nations, *Treaty Series*, vol. 330, p. 3.

¹⁵³ *Official Records of the General Assembly, Thirty-second Session, Supplement No. 17 (A/32/17)*.

¹⁵⁴ See the report of the Sixth Committee to the thirty-second session of the General Assembly on agenda item 113 (A/32/402).

welcomed the decision of the Commission to review, in the near future, its long-term programme of work.

8. OTHER LEGAL QUESTIONS

(a) Human rights in armed conflicts

In considering this item at its 1977 session, the General Assembly had before it the report of the Secretary-General (A/32/144 and Add.1) on relevant developments concerning human rights in armed conflicts, in particular the proceedings and results of the fourth session of the Diplomatic Conference on the Reaffirmation and Development of International Humanitarian Law Applicable in Armed Conflicts, convened by the Swiss Federal Council at Geneva from 17 March to 11 June 1977.

Following consideration of the item by the Sixth Committee¹⁵⁵ the General Assembly adopted resolution 32/44 in which it *inter alia* welcomed the adoption by the Conference, on 8 June 1977, of two Protocols Additional to the Geneva Conventions of 12 August 1949.¹⁵⁶

(b) Questions concerning the Charter of the United Nations and the strengthening of the role of the Organization

Pursuant to General Assembly resolution 31/28, the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization met at Headquarters from 14 February to 11 March 1977. It established an open-ended Working Group which completed the consideration, begun at the previous session, of the analytical study, prepared by the Secretary-General, of Government's views, suggestions and proposals on various aspects of the functioning of the United Nations, including those relating specifically to the Charter.¹⁵⁷

At its thirty-second session, the General Assembly, on the recommendation of the Sixth Committee,¹⁵⁸ adopted resolution 32/45 in which it *inter alia* decided that the Special Committee should continue its work and requested it to be mindful of the importance of reaching general agreement whenever it had significance for the outcome of its work.

(c) Measures to prevent international terrorism

Further to General Assembly resolution 31/102, the *Ad Hoc* Committee on International Terrorism established by General Assembly resolution 3034 (XXVII) was reconvened in 1977. It met at United Nations Headquarters from 14 to 25 March and held a general debate on the subjects outlined in its mandate. The debate revealed that the members of the *Ad Hoc* Committee shared the concern of the international community at the development of international terrorism. Some delegations reaffirmed the view that condemnation and repression of international terrorism should take place with-

¹⁵⁵ See the report of the Sixth Committee of the General Assembly on agenda item 115 (A/32/396).

¹⁵⁶ For the text of those Protocols and a summary of General Assembly resolution 32/44, see chapter IV of this *Yearbook*, p. 95 *et seq.*

¹⁵⁷ For the report of the Special Committee, see *Official Records of the General Assembly, Thirty-second Session, Supplement No. 33 (A/32/33)*. For the text of the above-mentioned analytical study, see *ibid.*, annex II.

¹⁵⁸ See the report of the Sixth Committee to the thirty-second session of the General Assembly on agenda item 116 (A/32/338).

out any qualification. Others expressed the view that only a precise definition of the acts to be condemned and in-depth study of the underlying causes of terrorism could remove the obstacles which had so far blocked any effective action by the international community.¹⁵⁹

At its thirty-second session, the General Assembly, on the recommendation of the Sixth Committee,¹⁶⁰ adopted resolution 32/147 in which it *inter alia* expressed deep concern over increasing acts of international terrorism; urged States to continue to seek just and peaceful solutions to the underlying causes of such acts of violence; reaffirmed the inalienable right to self-determination and independence of all peoples under colonial and racist régimes and appealed to States which had not yet done so to examine the possibility of becoming parties to the existing relevant Conventions. The Assembly further decided to reconvene the *Ad Hoc* Committee in 1979 and instructed it to continue its work first by studying the underlying causes of terrorism and then by recommending practical measures to combat terrorism.

(d) Proposal for an international convention against the taking of hostages

The *Ad Hoc* Committee on the Drafting of an International Convention against the Taking of Hostages established by General Assembly resolution 31/103 met at United Nations Headquarters from 1 to 19 August 1977. It had before it a set of draft articles submitted by the Federal Republic of Germany, as well as a number of proposals submitted by other delegations.¹⁶¹ The general debate as well as the discussion of the various proposals revealed considerable differences of view concerning the scope and/or definition in the convention, issues which, some delegations argued, should be resolved at an early stage of the Committee's work. Nevertheless there was a useful exchange of views on a number of issues. During the debate in the Committee, members expressed the view that some progress had been made and that the spirit of the discussion had shown a genuine willingness of the members of the Committee to continue the work.¹⁶²

At its thirty-second session, the General Assembly, on the recommendation of the Sixth Committee,¹⁶³ adopted resolution 32/148 in which it *inter alia* decided that the *Ad Hoc* Committee should continue to draft at the earliest possible date an international convention against the taking of hostages and would meet again in 1978.

(e) United Nations Conference on Succession of States in respect of Treaties

In accordance with General Assembly resolutions 3496 (XXX) and 31/18, the United Nations Conference on Succession of States in respect of Treaties met at Vienna, Austria, from 4 April to 6 May 1977, to examine the draft articles prepared on the topic by the International Law Commission¹⁶⁴ and embody the results of its work in an international convention and such other instruments as it might deem appropriate. The Governments of 89 States participated in the Conference; in addition, two governments

¹⁵⁹ For the report of the *Ad Hoc* Committee, see *Official Records of the General Assembly, Thirty-second Session, Supplement No. 37 (A/32/37)*.

¹⁶⁰ See the report of the Sixth Committee to the thirty-second session of the General Assembly on agenda item 118 (A/32/453).

¹⁶¹ For the report of the *Ad Hoc* Committee, see *Official Records of the General Assembly, Thirty-second Session, Supplement No. 39 (A/32/39)*.

¹⁶² *Ibid.*

¹⁶³ See the report of the Sixth Committee to the thirty-second session of the General Assembly on agenda item 119 (A/32/467).

¹⁶⁴ See *Official Records of the General Assembly, Twenty-ninth Session, Supplement No. 10 (A/9610/Rev.1)*, chap. II.

were represented by observers. The Conference adopted 25 of the 39 articles contained in the basic proposal as well as two proposed new articles.¹⁶⁵

Having been unable to complete its task in view of the intrinsic complexity of the subject-matter, the Conference recommended that the General Assembly decide to reconvene the Conference in 1978 in Vienna for a final session of four weeks. This recommendation was endorsed by the General Assembly in its resolution 32/47.¹⁶⁶

(f) Proposed treaty on the non-use of force in international relations

At its thirty-second session, the General Assembly decided to refer this question — which it had included for the first time in its agenda at its thirty-first session further to an initiative of the Soviet Union¹⁶⁷ — to the Sixth Committee.¹⁶⁸

By its resolution 32/150, the Assembly decided to establish a Special Committee on Enhancing the Effectiveness of the Principle of Non-Use of Force in International Relations which would meet in 1978 with the goal of drafting a world treaty on the non-use of force in international relations, as well as peaceful settlement of disputes, or such other recommendations deemed appropriate by the Committee.

(g) Review of the multilateral treaty-making process

By a letter dated 19 July 1977,¹⁶⁹ the representatives of seven Member States including Australia, Kenya, Mexico and Sri Lanka requested the inclusion in the provisional agenda of the thirty-second session of the General Assembly of an item entitled "Review of the multilateral treaty-making process". In the memorandum attached to that letter it was explained that the purpose of the initiative was to occasion examination of the methods of multilateral treaty-making employed in the United Nations and under its auspices, towards an assessment of whether the methods in questions were as efficient and economical as the needs of the community required or circumstances permitted. It was suggested, *inter alia*, that the item should be referred to the Sixth Committee for debate, with a view, in the first place, to the adoption of a resolution seeking a detailed study of the subject.

The General Assembly, by its resolution 32/48 which it adopted on the recommendation of the Sixth Committee,¹⁷⁰ requested the Secretary-General to prepare a report on the techniques and procedures used in the elaboration of multilateral treaties and invited Governments and the International Law Commission to submit their observations on the subject.¹⁷¹

¹⁶⁵ For the report of the Conference, see A/CONF.80/15.

¹⁶⁶ See the report of the Sixth Committee to the thirty-second session of the General Assembly on agenda item 122 (A/32/366).

¹⁶⁷ See *Official Records of the General Assembly, Thirty-first Session, Annexes*, agenda item 124, document A/31/243.

¹⁶⁸ See the report of the Sixth Committee to the thirty-second session of the General Assembly on agenda item 37 (A/32/466).

¹⁶⁹ A/32/143 and Corr.1.

¹⁷⁰ See the report of the Sixth Committee to the thirty-second session of the General Assembly on agenda item 124 (A/32/363).

¹⁷¹ Consideration of three other questions of legal interest which were on the agenda of the thirty-second session of the General Assembly was postponed, for lack of time, to the thirty-third session. One of those questions related to the consolidation and progressive evolution of the norms and principles of international economic development law (see General Assembly decision

9. UNITED NATIONS INSTITUTE FOR TRAINING AND RESEARCH¹⁷²

As in previous years, UNITAR 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). A number of fellowships were awarded to legal advisers to Governments and teachers of international law, mostly from developing countries. The programme included participation in the courses on international law at The Hague Academy of International Law and in the special courses and seminars organized by UNITAR in 1977.¹⁷³

In accordance with General Assembly resolution 2099 (XX), UNITAR also organized, jointly with the Office of Legal Affairs, a regional training and refresher course in international law for the Caribbean region at Nassau, Bahamas, from 21 November to 3 December 1977. The main subject of the course was an examination of various legal aspects relating to a new international economic order, with special reference to the Caribbean context.

Among the studies published by UNITAR in 1977, mention should be made of a volume entitled *Dispute Settlement through the United Nations*, consisting of eight monographs previously published by UNITAR on the various procedural aspects of the peaceful settlement of disputes through the United Nations system, as well as of a study entitled *Protecting the Human Environment: Procedures and Principles of Preventing and Resolving International Controversies*.

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

1. INTERNATIONAL LABOUR ORGANISATION¹⁷⁴

1. The International Labour Conference (ILO) which held its 63rd Session in Geneva in June 1977, adopted the following instruments: a Convention and a Recom-

32/440); another one concerned the two resolutions adopted by the United Nations Conference on the Representation of States in Their Relations with International Organizations (Vienna, 4 February–14 March 1975) on the observer status of national liberation movements and on the application of the Convention in future activities of the United Nations (both reproduced in the *Juridical Yearbook*, 1975, p. 114) (see General Assembly decision 32/439); the third question was that of the Draft Code of Offences against the Peace and Security of Mankind which had been included in the agenda of the thirty-second session at the request of seven States, including Fiji, Mexico, Nigeria and the Syrian Arab Republic (see General Assembly decision 32/441).

In the course of its thirty-second session, the General Assembly also considered the report of the Committee on Relations with the Host Country (*Official Records of the General Assembly, Thirty-second Session, Supplement No. 26 (A/32/26)*), in connexion with which it adopted resolution 32/46, and the question of the computerization of treaty information and registration and publication of treaties and international agreements pursuant to Article 102 of the Charter of the United Nations (for the relevant proposals of the Secretary-General see document A/32/214), in connexion with which the Assembly adopted resolution 32/144.

¹⁷² For detailed information, see *Official Records of the General Assembly, Thirty-second Session, Supplement No. 14 (A/32/14 and corrigendum)* and *ibid.*, *Thirty-third Session, Supplement No. 14 (A/33/14)*.

¹⁷³ For the relevant report of the Secretary-General, see document A/32/326. The debate of the Sixth Committee on this question at the thirty-second session of the General Assembly resulted in the adoption by the General Assembly of resolution 32/146.

¹⁷⁴ With 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 given, in order to facilitate reference work, in the year during which the instrument was adopted.

mentation concerning the Working Environment¹⁷⁵ and a Convention and a Recommendation Concerning Employment and Conditions of Work and Life of Nursing Personnel.¹⁷⁶

2. The International Labour Conference (ILC) also adopted certain amendments to its Standing Orders:

- (i) Articles 12, 14 and 25 of the Standing Orders of the International Labour Conference were modified to reflect decisions taken in the consideration of questions of structure.¹⁷⁷
- (ii) Article 18 of the Standing Orders of the International Labour Conference was modified in order to render more practical and less cumbersome the reference of Conference motions and resolutions involving expenditure to the Governing Body and its Programme, Financial and Administrative Committee.¹⁷⁸
- (iii) Article 69 of the Standing Orders of the International Labour Conference was deleted in order to achieve the greatest possible economy in Conference arrangements.¹⁷⁹

3. The Committee of Experts on the Application of Conventions and Recommendations met in Geneva from 17-30 March 1977, and presented its report.¹⁸⁰

4. The Governing Body Committee on Freedom of Association met in Geneva and adopted Reports Nos. 164,¹⁸¹ 165,¹⁸¹ 166,¹⁸¹ and 167¹⁸¹ (202nd Session of the Governing Body, February-March 1977); Reports Nos. 168,¹⁸² 169,¹⁸² 170¹⁸² and 171¹⁸² (203rd Session of the Governing Body, May-June 1977), and Reports Nos. 172,¹⁸³ 173,¹⁸³ 174,¹⁸³ 175¹⁸³ and 176¹⁸³ (204th Session of the Governing Body, November 1977).

5. It should also be mentioned that the ILO entered into the Agreements listed below which came into force on the dates indicated:

- (i) Understanding between the Director-General of the International Labour

¹⁷⁵ *Official Bulletin*, Vol. LX, 1977, Series A, No. 3, pp. 136-142; 146-151; English, French, Spanish. Regarding preparatory work, see: *First Discussion—Working Environment*, ILC, 61st Session (1976), Report VI(1) (this report contains, *inter alia*, details of the action which led to the placing of the question on the agenda of the Conference), and Report VI(2), 39 and 109 pages respectively; English, French, Spanish, German and Russian. See also, ILC, 61st Session (1976) *Record of Proceedings*, pp. 157-177; 281-284; 337-338; English, French, Spanish. *Second Discussion—Working Environment: Atmospheric Pollution, Noise and Vibration*, ILC, 63rd Session (1977), Report IV(1) and Report IV(2), 61 and 73 pages respectively; English, French, Spanish, German, Russian. See also ILC, 63rd Session (1977) *Record of Proceedings*, pp. 359-380; 497-501; English, French, Spanish.

¹⁷⁶ *Official Bulletin*, Vol. LX, 1977, Series A, No. 3, pp. 142-146; 151-166; English, French, Spanish. Regarding preparatory work, see: *First Discussion—Employment and Conditions of Work and Life of Nursing Personnel*, ILC, 61st Session (1976) Report VII(1) (this report contains, *inter alia*, details of the action which led to the placing of the question on the agenda of the Conference), and Report VII(2), 108 and 85 pages respectively; English, French, Spanish. See also, ILC, 61st Session (1976), *Record of Proceedings*, pp. 314-317; 338; 247-278; English, French, Spanish. *Second Discussion—Employment and Conditions of Work and Life of Nursing Personnel*, ILC, 63rd Session (1977), Report VI(1) and Report VI(2), 97 and 126 pages respectively; English, French, Spanish, German, Russian. See also ILC, 63rd Session (1977) *Record of Proceedings*, pp. 457-496; 673-678; 731-732; English, French, Spanish.

¹⁷⁷ ILC, 63rd Session (1977), *Record of Proceedings*, pp. 17-18; 186; 424; English, French, Spanish.

¹⁷⁸ ILC, 63rd Session (1977), *Record of Proceedings*, pp. 18; 186-187; 424; English, French, Spanish.

¹⁷⁹ ILC, 63rd Session (1977), *Record of Proceedings*, pp. 18; 187; 424; English, French, Spanish.

¹⁸⁰ This report has been published as Report III (Part 4) to the 63rd Session of the Conference and comprises two volumes: Vol. A: "General Report and Observations concerning Particular Countries" (Report III (Part 4A)), 302 pages; English, French, Spanish. Vol. B: "General Survey of the Reports relating to the Equality of Treatment (Social Security) Convention, 1962 (No. 118)" (Report III (Part 4B)), 90 pages; English, French, Spanish.

¹⁸¹ *Official Bulletin*, Vol. LX, 1977, Series B, No. 2.

¹⁸² *Ibid.*, Vol. LX, 1977, Series B, No. 3.

¹⁸³ *Ibid.*, Vol. LXI, 1978, Series B.

Office and the Executive Director of the United Nations Industrial Development Organization concerning co-operation between and co-ordination of the activities of the ILO and UNIDO, 31 August, 1976.¹⁸⁴

- (ii) Understanding between the Director-General of the International Labour Office and the United Nations Disaster Relief Co-ordinator concerning collaboration between the ILO and UNDRC in providing advice and technical assistance in the matter of prevention of, and preparedness for, natural disasters, as well as for reconstruction and rehabilitation activities in stricken States, 14 July 1977.¹⁸⁵
- (iii) Agreement between the International Labour Organisation and the African Development Bank concerning collaboration between the ILO and ADB in matters of common interest, 18 April 1977.¹⁸⁶

2. FOOD AND AGRICULTURE ORGANIZATION OF THE UNITED NATIONS

I. OFFICE OF THE LEGAL COUNSEL¹⁸⁷

1. *Constitutional matters*

In addition to current legal advice and services provided to the Director-General and various departments within the Organization, the Office of the Legal Counsel provided legal services to the Committee on Constitutional and Legal Matters (CCLM), the Council and other statutory bodies of the Organization.

The Conference adopted, at its nineteenth session (12 November-1 December 1977) the following resolutions or decisions of a legal nature:

(a) *Amendments to the Basic Texts of the Organization*

— a resolution amending Article V.1 of the FAO Constitution and Rule XXII.1b of the General Rules of the Organization (GRO) to increase the number of Council seats from 42 to 49 in order to improve the geographical representation of certain regions;¹⁸⁸

— a resolution amending Article VII of the Constitution to provide that a Director-General shall be eligible for re-appointment, without limitation on the number, or variation in the duration, of terms of office;¹⁸⁹

— a resolution amending Article XXII of the Constitution to make the Chinese text of the Constitution equally authoritative with the texts in Arabic, English, French and Spanish;¹⁹⁰

— a resolution amending Rules XXVI and XXVII of the General Rules of the Organization (GRO) relating to the Programme and Finance Committees to provide for a moderate increase in the membership of those Committees which should be composed

¹⁸⁴ *Official Bulletin*, Vol. LX, 1977, Series A. No. 2, pp. 77-81.

¹⁸⁵ *Ibid.*, Vol. LXI, 1978, Series A, No. 1, pp. 71-74.

¹⁸⁶ *Ibid.*, Vol. LXI, 1978, Series A, No. 1, pp. 75-78.

¹⁸⁷ For general information on the organization and functions of the Office of the Legal Counsel, see *Juridical Yearbook*, 1972, p. 60.

¹⁸⁸ C 77/REP, paras. 288-292, C 77/LIM/13, paras. 208-211, C 77/LIM/13-Sup.1/Rev.1, Appendix B, C 77/III/PV/1, C 77/III/PV/2, C 77/PV/17.

¹⁸⁹ C 77/REP, paras. 292-296, C 77/LIM/13, C 77/LIM/13-Sup.1-Rev.1, C/77/LIM/33, C 77/III/PV/4, C 77/PV/20.

¹⁹⁰ C 77/REP, paras. 297-299, C 77/LIM/13, C 77/LIM/13-Sup.1-Rev.1, CL 71/REP, paras. 218-220, C 77/III/PV/3, C 77/III/PV/7, C 77/PV/19.

of Member Nations of the Organization, represented by persons chosen on the basis of personal merit;¹⁹¹

— a resolution amending Rule XXXVII.4 of the General Rules of the Organization (GRO) to require the Director-General to satisfy himself, when determining the site of all meetings convened by the Organization, that the host government will grant participants all the “immunities that are necessary for the independent exercise of their functions”;¹⁹²

— a resolution amending Rule XLI of the General Rules of the Organization (GRO) to eliminate the classification of the languages of the Organization as “official”, “working” and “working languages for limited purposes”;¹⁹³

— a resolution amending Financial Regulations 4.2, 4.3 and 10.1 to permit the carry-over of unobligated funds under the Technical Cooperation Programme and the delegation of disbursement authority to persons who are not staff members of the Organization but who perform functions on behalf of the Organization.¹⁹⁴

(b) *Inter-agency agreements and arrangements*

— authorization granted to the Director-General to sign a Supplementary Arrangement between the Organization and the United Nations regarding cooperation between the Organization and the World Food Council;¹⁹⁵

— authorization to the Director-General to sign, subject to confirmation in accordance with Rule XXIV.4(c) of the General Rules of the Organization (GRO) a Relationship Agreement between the Organization and the International Fund for Agricultural Development (IFAD), if the Executive Board of IFAD should approve a text identical with that approved by the Council;¹⁹⁶

— a resolution authorizing the Director-General to accept, on behalf of the Organization, the Statute of the Joint Inspection Unit, on the understanding that notice of acceptance provided for in Article 1, paragraph 2 of the Statute shall contain an interpretative declaration to the effect that, for constitutional reasons, the Joint Inspection Unit will not be considered as a subsidiary organ of the legislative bodies of the Organization;¹⁹⁷

(c) *Treaties concluded within the Organization*

— a resolution amending the Convention Placing the International Poplar Commission Within the Framework of FAO, to change the interval of the regular sessions of the Commission from two to four years and to reduce the term of office of the members of its Executive Committee from six to four years;¹⁹⁸

¹⁹¹ C 77/REP, paras. 280–287, C 77/LIM/2, CL 71/REP, para. 237.H, C 77/III/PV/1, C 77/III/PV/2, C 77/III/PV/3, C 77/III/PV/7, C 77/PV/19, CL 72/REP, paras. 101–113.

¹⁹² C 77/REP, paras. 308–310, C 77/18, C 77/LIM/33, C 77/III/PV/5, C 77/PV/20.

¹⁹³ C 77/REP, paras. 300–307; C 77/LIM/13, C 77/LIM/13–Sup.1–Rev.1, C 77/III/PV/3, C 77/PV/19.

¹⁹⁴ C 77/REP, paras. 323–324; C 77/LIM/7, C 77/LIM/34, CL 72/REP, paras. 89–92, C 77/III/PV/5, C 77/PV/20.

¹⁹⁵ C 77/REP, paras. 240–243, 314–317, C 77/LIM/25, C 75/REP, paras. 30 and 331, CL 69/REP, paras. 59–60, CL 72/REP, paras. 115–120 and *Appendix G*, C 77/III/PV/5, C 77/III/PV/9, C 77/II/PV/17, C 77/II/PV/19, C 77/PV/20.

¹⁹⁶ C 77/REP, paras. 245, 318–319, C 77/LIM/24, C 75/REP, para. 3.34, CL 72/REP, paras. 121–129 and *Appendix H*, C 77/III/PV/5, C 77/III/PV/19, C 77/II/PV/17, C 77/II/PV/19, C 77/PV/20.

¹⁹⁷ C 77/REP, paras. 251–253, C 77/17, C 77/LIM/37–Rev.1, C 77/II/PV/15, C 77/II/PV/19, C 77/PV/23.

¹⁹⁸ C 77/REP, paras. 329–331, C 77/LIM/27, C 77/III/PV/6, C 77/III/PV/10, C 77/PV/22.

— a decision to postpone consideration and final approval of a revised version of the International Plant Protection Convention which included a proposed revision of the Model Phytosanitary Certificate annexed to the Convention and the introduction of a “Model Phytosanitary Certificate for Re-export”;¹⁹⁹

(d) *Admission to membership*

— a decision to admit to membership in the Organization, by secret ballot requiring a two-thirds majority in accordance with Article II-2 of the Constitution and Rule XII-9 of the General Rules of the Organization (GRO), Angola, the Comoros, the Democratic People’s Republic of Korea, Djibouti, Mozambique, Namibia,²⁰⁰ Sao Tome and Principe and Seychelles.²⁰¹

The Council, in addition to making recommendations to the Conference on the above-mentioned matters, took at its seventy-first (6-17 June 1977) and seventy-second (8-11 November 1977) sessions, decisions on the following items of legal interest:

— a resolution approving amendments to the Agreement for the Establishment of the Indo-Pacific Fisheries Council (IPFC) to make it clear that the IPFC should concern itself with all aspects of fishery management and development and to become more action-oriented;²⁰²

— a decision that the Regional Conferences of the Organizations should play a greater role in formulating regional policies regarding cooperation for agricultural development and food production and, further, that participation of Member Nations in each Regional Conference, including the modalities of attendance by observers, should be decided by the countries that in fact belonged to the region concerned.²⁰³

The Office of the Legal Counsel also provided legal services to the Preparatory Commission of the International Fund for Agricultural Development (IFAD), *inter alia* for the drafting and negotiation of a Headquarters Agreement with the Government of Italy. Legal services were also provided for the first sessions of the IFAD’s Governing Council and Executive Board.

2. *Law of the Sea and International Fisheries*

At its fifth session in March 1977, the Fishery Committee for the Eastern Central Atlantic adopted a series of measures which had been suggested by its Sub-Committee on Management of Resources within the Limits of National Jurisdiction. It requested FAO to organize a series of meetings to enable the States concerned to reach agreement, within the framework of the Committee, on appropriate management schemes.²⁰⁴

As in previous years, the FAO Committee on Fisheries considered the progress achieved at the United Nations Conference on the Law of the Sea. It requested the Secretariat to work out a comprehensive programme to assist with the development of fisheries in the exclusive economic zones of developing countries. The Secretariat was also asked to prepare documents analysing national legislation and bilateral agreements relating to extended zones of jurisdiction over fisheries.²⁰⁵

¹⁹⁹ C 77/REP, paras. 325–328, C 77/LIM/26, C 69/REP, para. 414, C 71/REP, para. 187, CL 72/5, paras. 37–52, CL 72/REP, paras. 133–137, C 77/III/PV/6, C 77/III/PV/7, C 77/III/PV/8, C 77/III/PV/9, C 77/III/PV/10, C 77/PV/22.

²⁰⁰ The application for membership for Namibia was submitted by the United Nations Council for Namibia.

²⁰¹ C 77/REP, paras. 352–354, C 77/14, C 77/14-Sup.1 C 77/INF/7, C 77/PV/3, C 77/PV/4, C 77/PV/20.

²⁰² CL 72/REP, paras. 133–135, CL 72/5, paras. 31–36, CL 70/REP, paras. 164–165, CL 72/PV/5, CL 72/PV/6, CL 72/PV/7. The designation “Council” was changed to “Commission.”

²⁰³ CL 71/REP, paras. 229–232, CL 71/12, CL 71/PV/11, CL 71/PV/12.

²⁰⁴ COFI/77/Inf.5.

²⁰⁵ FID/R196.

At its fifth session in October 1977, the Indian Ocean Fishery Commission considered some of the implications of extensions of jurisdiction for the management of fisheries in its geographic area. It noted that the successful management of stocks migrating through several economic zones would depend on a determination of the total allowable catch from each stock as a whole, regardless of the area of capture, followed by an agreement on how the total allowable catch can be divided. FAO was requested to undertake a study of the various criteria that could be considered when apportioning the stock among the countries concerned.²⁰⁶

The Indo-Pacific Fishery Commission adopted in November 1976 amendments to the 1948 Agreement under which it had been established. These amendments, which were designed to make it clear that the Commission should concern itself with all aspects of fishery management and development, were approved by the Council of FAO at its seventy-second session in November 1977 and are now effective.²⁰⁷

At its nineteenth session in November-December 1977, the Conference of FAO reviewed in detail current developments in the regime of the sea and their implications for fisheries. Recognizing that the new regime would give coastal States increased rights and responsibilities, it stressed the magnitude of the task that was facing many developing coastal States if they were to make full use of the resources at their disposal. It urged FAO to be ready to discharge its responsibilities for technical cooperation and agreed that regional fishery bodies, particularly those established within the framework of FAO, should contribute to increasing the capability of coastal States especially as regards management and development activities as well as protection of the marine environment.²⁰⁸

3. *Environment Law*

On 13 July 1977, a Memorandum of Understanding concerning cooperation between FAO and the United Nations Environment Programme (UNEP) was signed by the Executive Director of UNEP and the Director-General of FAO. The areas of mutual interest enumerated in section 7(b)(v) of the Memorandum include the "development of environmental law and institutions at the national and the international level"; specific areas of cooperation within such main areas of mutual interest are to be agreed upon in the course of joint programming by FAO and UNEP.

In 1977, the FAO Legal Office completed a joint FAO/UNEP pilot project for the indexing of approximately 17,000 legislative texts on environment and natural resources, in the context of the UNEP International Referral System (IRS);²⁰⁹ and initiated another joint FAO/UNEP project on "Preparatory Work for the Protection of the Marine Environment in the Gulf of Guinea and Adjacent Coastal Areas" (FP/0503-7702), which will include surveys of national legislation, of applicable international agreements and of the scientific basis for legal controls of marine pollution in the West African region concerned.

The Legal Office participated in the UNEP Intergovernmental Consultations concerning a Draft Protocol for the Protection of the Mediterranean Sea against Pollution from Land-Based Sources held in Athens in February 1977 and in Venice in October 1977; in the Geneva meetings of the UNEP Working Group of Experts on Natural Resources Shared by Two or More States, in August-September 1977; and in the ESCAP Expert Group Meeting on Environmental Protection Legislation in Asia and the Pacific, held in Bangkok in December 1977. Legal Office staff contributed papers to the OECD publication "Legal Aspects of Transfrontier Pollution";²¹⁰ and to the Symposium on

²⁰⁶ FID/R199.

²⁰⁷ Resolution 4/72; see p. 75 above.

²⁰⁸ C 77/REP, paras. 62-68.

²⁰⁹ Summary Report: Catalogue of Legislation on Environment and Natural Resources, FAO/UNEP Project No. FP/0302-75-02, Rome 1977, 80 pp.

²¹⁰ P. H. Sand, *The Role of Domestic Procedures in Transnational Environmental Disputes*, pp. 146-202.

Environmental Law and Transfrontier Pollution, held by the Environmental Law Committee of the International Law Association at Goettingen in October 1977.²¹¹

Technical assistance was provided in July and August 1977 to the Government of Honduras for expert review of its draft environmental legislation. FAO published translations and summaries of environmental laws of various countries and references to other current national legislation in this field.²¹² A survey of "legislative aspects of environmental problems" is contained in a special chapter on the state of natural resources and the human environment in the 1977 FAO Report on "The State of Food and Agriculture".²¹³

II. LEGISLATION BRANCH²¹⁴

(a) *Activities connected with international meetings*

The Legislation Branch participated in and provided contributions to the following international meetings and missions:

— Seminar on legal and institutional problems relating to boundary rivers between the U.S.A. and Mexico, organized by American and Mexican Universities (Quaxtepec, Mexico, 4-13 March 1977).

— United Nations Water Conference (Mar del Plata, Argentina, 14-26 March 1977).

— Intergovernmental consultation, convened jointly by FAO and OIE (International Office of Epizootics to consider a revised draft convention for the Control of the Spread of Major Communicable Fish Diseases (Paris, France, 25-28 January 1977).²¹⁵

— Seminar on the Changing Law of the Sea and the Fisheries of West Africa (Banjul, The Gambia, September 1977).

— *Ad Hoc* Government Consultation on International Standardization of Pesticide Registration Requirements (Rome, 24-28 October 1977).²¹⁶

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

The principal activities in this area included:

— Assistance to the Sene-Gambia Basin Commission and its Coordinating Committee on international water resources law and other related matters.

— Assistance to the Lake Chad Basin Commission on international water resources law and other related matters, including the Logone development project.

— Assistance to Indonesia on national water resources legislation.

— Assistance to Governments in the drafting of fisheries legislation and other aspects of fisheries law and joint ventures in Mexico, the Solomon Islands, Papua New Guinea, the Philippines and Thailand; on the implications of developments in the regime of the sea in Somalia; and on wildlife legislation in the Central African Empire.

— Assistance to Costa Rica in the revision of the draft national seed law.

²¹¹ "Activities of the Food and Agriculture Organization of the United Nations in the Field of Environmental Law", 9 pp.

²¹² Food and Agricultural Legislation, Volume XXVI, Nos. 1 and 2.

²¹³ FAO Conference Document C 77/INF/19, November 1977, pp. 57-59; annotated version published under the title of "Trends in International Environmental Law" in the FAO periodical UNASYLVA, vol. 29, No. 116, pp. 26-28.

²¹⁴ For general information on the organization and functions of the Legislation Branch, see *Juridical Yearbook*, 1972, p. 62, note 59.

²¹⁵ It is envisaged that the draft convention will be submitted to a Conference of Plenipotentiaries to be convened by an interested Government.

²¹⁶ In this connexion a paper was prepared on the "Legal Aspects of International Standardization with Special Reference to Pesticide Registration Requirements. A preliminary Review".

(c) *Legal assistance and advice not involving field missions*

The principal activities, performed at the request of the Governments, agency, project or FAO technical departments concerned, were the following:

— Advice was provided on various subjects, such as: Law and Woman; Proceedings of the National Conference on Agricultural Credit (Santo Domingo, 8-10 November 1976); Draft Plan of Action to Combat Desertification; Legislative Aspects of Forming Cooperatives in New Development Areas in Libya; Agrarian Reform in selected Asian and European Countries; Fisheries Legislation in Kenya and the Yemen Arab Republic; Fish Quality Legislation in Bangladesh and Italy; Draft Decree for the Tunisian National Council for Food Inspection; Dairy Legislation in Pakistan; Seed Production and Control in Iran; and Statutes of Animal Husbandry Association or Bodies in Zaire.

(d) *Legislative research and publications*

Research was conducted, *inter alia*, on water legislation and administration in various European and African countries, and on international water resources treaties; the role of Central Bank Legislation on agricultural credit in selected countries; national legislation for the management and development of fisheries under extended jurisdiction and on parastatal bodies in fisheries development. Studies and other research documents were published on legal and institutional responses to growing water demand, and on water legislation and administration in Chad, The Gambia, Indonesia, Iraq, Libya, Malaysia, Mali, Mauritania, Niger, Oman, Saudi Arabia, Senegal, Sudan, Syria and the United Arab Emirates agrarian law and agrarian judiciary; international food standards and national laws; seed legislation in Argentina, Canada, Chile, Finland, Germany, Federal Republic of, India, Kenya, Morocco, Romania, Spain, Tunisia, the United States of America, Uruguay, Yugoslavia and Zambia; legal and institutional aspects of fisheries development in the Philippines and in The Gambia.²¹⁷

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

FAO publishes, semi-annually, the *Food and Agricultural 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 *Food and Nutrition Review* and in *Unasylva*.

3. UNITED NATIONS EDUCATIONAL, SCIENTIFIC AND CULTURAL ORGANIZATION

1. CONSTITUTIONAL AND PROCEDURAL QUESTIONS

Membership of the Organization

The Constitution of UNESCO was signed and instruments of its acceptance were deposited on behalf of the following States:

<i>State</i>	<i>Date of Signature</i>	<i>Date of deposit of instrument of acceptance</i>
Angola	11 March 1977	9 November 1976
Comoros	22 March 1977	22 March 1977

Under the terms of the relevant provisions of the Constitution²¹⁸ each of the above-mentioned States became a member of the Organization on the respective date its acceptance took effect.

²¹⁷ See the Bibliography, p. 315 below.

²¹⁸ See Articles II and XV of the Constitution.

In the case of Angola, as it was then not a Member State of the United Nations, Article II(2) of the UNESCO Constitution applied to it. Thus, before Angola deposited its instrument of acceptance, the General Conference had, following an application received from the Government of this State and upon recommendation of the Executive Board, adopted by the required two-thirds majority a resolution admitting it to membership of UNESCO.²¹⁹

2. INTERNATIONAL REGULATIONS

(a) *Transmission of certified copies of instruments previously adopted*

In pursuance of Article 15 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”, the Director-General transmitted to Member States certified copies of the following six Recommendations which were adopted by the General Conference during its nineteenth session held at Nairobi, Kenya, from 26 October to 30 November 1976:

- Recommendation on the development of adult education;
- Recommendation concerning the international exchange of cultural property;
- Recommendation concerning the safeguarding and contemporary role of historic areas;
- Recommendation on participation by the people at large in cultural life and their contribution to it;
- Recommendation on the legal protection of translators and translations and the practical means to improve the status of translators;
- Recommendation concerning the international standardization of statistics on radio and television.

The certified copies were sent to Member States in order that they could submit these Recommendations to their competent authorities, in accordance with Article IV, paragraph 4, of the Constitution.

Transmitted with the certified copies were copies of a “Memorandum concerning the obligation to submit conventions and recommendations adopted by the General Conference to the ‘competent authorities’ and the submission of initial special reports on the action taken upon these conventions and recommendations”. This Memorandum has been prepared, upon instructions from the General Conference, by the Director-General. It contains the various provisions of the Constitution and the regulations applicable, together with the other suggestions that the General Conference itself has found it necessary to formulate, at its earlier sessions, concerning the matters indicated by the Memorandum’s comprehensive title.

(b) *Preparation of new instruments*

In implementation of decisions²²⁰ taken by the General Conference at its nineteenth session to that effect, and in accordance with Article 10(1) and (2) 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”, the Director-General prepared and transmitted to Member States for their comments and observations preliminary reports on the following:

- international competitions in architecture and town planning;²²¹
- prevention and coverage of risks to movable cultural property;²²²

²¹⁹ See 19C/Res. 0.71, 1 November 1976.

²²⁰ See Resolutions 19C/3.142, 19C/4.123, 19C/6.23 and 19C/6.22.

²²¹ See document SS 77/WS/14, English, French, Russian, Spanish.

²²² See document CC 77/WS/45, English, French, Russian, Spanish.

— international standardization of educational statistics;²²³

— international standardization of statistics relating to science and technology.²²⁴

These reports set forth the position with regard to the problems to be regulated and to the possible scope of the regulating action proposed in each case.

In conformity with certain decisions²²⁵ taken by the General Conference at its nineteenth session and in implementation of relevant work plans²²⁶ noted by the General Conference at the same session, preparatory work was done in respect of some other instruments scheduled for adoption in 1978 by the General Conference or by an international conference of States convened by UNESCO. These concerned the following subjects:

— international recognition of studies, diplomas and degrees in higher education in the Arab States;

— race and racial prejudice;

— fundamental principles governing the use of the mass media in strengthening peace and international understanding and in combating war propaganda, racialism and *apartheid*.

3. COPYRIGHT AND NEIGHBOURING RIGHTS

(a) *Universal Copyright Convention*

The Intergovernmental Copyright Committee, which was established under article XI of the revised Convention and whose secretariat is provided by UNESCO, held its second regular session at UNESCO headquarters from 28 November to 6 December 1977.

On that occasion the Committee discussed a number of questions which also concerned the Executive Committee of the Berne Union, which was holding its twelfth session (fourth special session) at the same time and place, specifically: the problems raised by the application of the Acts of Paris (1971), the Universal Copyright Convention and the Berne Copyright Convention in matters relating to the access of developing countries to protected works; the problems raised by the application of those Conventions to materials specially intended for the blind; the problems arising out of the use of electronic computers in the memorization and recovery of protected works, on the one hand, and in the creation of works, on the other hand; the copyright problems arising from the use of videocassettes and audiovisual discs; and the problems raised by the distribution of television programmes by cable. Each of these questions will be considered either by a working group or (in the case of videocassettes and cable television) by a sub-committee of the Intergovernmental Copyright Committee or of the Executive Committee of the Berne Union which will meet in 1978 or 1979.

The Committee was also informed of the results achieved by the Committee of Experts which has, at the invitation of the Government of Tunisia, been convened at Tunis by the Director-General of UNESCO from 11 to 15 July 1977 to consider the problems raised by the protection of folklore. Studies on this subject are to continue.

(b) *International Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organizations (Rome Convention)*²²⁷

The Intergovernmental Committee established under article 32 of the International Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organizations, whose secretariat is provided by the International Labour Office, UNESCO and WIPO, held its sixth regular session at the headquarters of the International Labour Office from 7 to 9 December 1977.

²²³ See document ST 77/WS/12, English, French, Russian, Spanish.

²²⁴ See document ST/MD/1, English, French, Russian, Spanish.

²²⁵ See Resolutions 19 C/1.181, para. 2; 10 C/3.173 and 19 C/4.143.

²²⁶ See document 19 C/5 approved, paras. 1219, 3126 and 4179.

²²⁷ United Nations, *Treaty Series*, vol. 496, p. 43.

At that session the Committee discussed in particular three questions: the problems involved in the application and implementation of the Convention; the problems arising from the use of videocassettes and audiovisual discs in relation to performers, producers of phonograms and broadcasting organizations; and the problems arising from the distribution of television programmes by cable in relation to the same categories of persons. The Committee decided to constitute itself a sub-committee to continue the study of each of these three questions in 1978 and 1979.

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

In order to facilitate the application of the Convention and promote accession to it, studies were undertaken to prepare guiding principles which would take account of the various ways and means by which States could assume the obligation provided for under the Convention (copyright, penal provisions, administrative provisions). A working group will be convened for this purpose in 1978.

(d) *Working Group on the Problems Arising from the Use of Videocassettes and Audiovisual Discs*

A Working Group on the Problems Arising from the Use of Videocassettes and Audiovisual Discs from the point of view of copyrights and so-called neighbouring rights met at Geneva from 21 to 25 February 1977. The Working Group arrived, *inter alia*, at the conclusion that the appearance of this new technique for the distribution of works did not call for a revision either of the Rome Convention or for the elaboration of a new international instrument and that solutions should, instead, be found at the level of national legislation. The report of the Working Group was submitted to the Committees on the Copyright Conventions and the Committee on the Rome Convention, which decided to constitute themselves sub-committees to continue studying the question.

(e) *Working Group on the Problems Raised by the Distribution of Television Programmes by Cable*

A Working Group on the Problems in the Field of Copyright and so-called Neighbouring Rights Raised by the Distribution of Television Programmes by Cable met at Paris from 13 to 17 June 1977.

The report of the Working Group was submitted to the Committees on the Copyright Conventions and the Committee on the Rome Convention, which decided to constitute themselves sub-committees to continue studying the question.

4. HUMAN RIGHTS

(a) *Examination of communications addressed to UNESCO in connection with specific cases involving human rights in education, science and culture*

In the year under review, 47 communications of the nature indicated in the above title were, in conformity 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 after they had been transmitted to the Governments concerned. The replies submitted by some of these Governments were also put before the Committee. The communications, together with the replies, were examined by the Committee at its meetings held in September 1977 in the course of the 103rd session of the Executive Board.²²⁸

²²⁸ See documents 103 EX/CR/PRIV.1, 103 EX/CR/PRIV.1 Add.1, 103 EX/CR/PRIV.1 Add.2, 103 EX/CR/PRIV.INF.1, 103 EX/CR/PRIV.INF.1 Add.1, 103 EX/CR/PRIV.2, 103 EX/CR/PRIV.2 Add.1, 103 EX/CR/PRIV.2 Add.2, 103 EX/CR/PRIV.2 Add.3, 103 EX/CR/PRIV.3, 103 EX/CR/PRIV.3 Add.1, 103 EX/CR/PRIV.4 and 103 EX/CR/PRIV.4 Add.1.

After this examination, the Committee submitted its report to the Executive Board.²²⁹

(b) *Procedures which should be followed in the examination of cases and questions concerning human rights*

The Executive Board, at its 102nd session, after having made a preliminary examination of document 102 EX/19 (on the study of procedures which should be followed in the examination of cases and questions which might be submitted to UNESCO concerning the exercise of human rights in the spheres of its competence, in order to make its action more effective) adopted a decision²³⁰ under item 5.6.2 of its agenda by which it invited all its members to send to the Director General before 15 July 1977 further comments concerning this subject and the contents of document 102 EX/19 and decided to set up a Working Party of 13 members (with the Chairman of the Executive Board as Chairman) to meet in the early part of August 1977 with the following terms of reference:

- (i) to carry out an in-depth study of document 102 EX/19, the analytical summary of the discussions that took place at the 102nd session, and the written comments of members of the Executive Board mentioned above;
- (ii) to identify points of agreement and divergence and, working to the extent possible on a basis of consensus, try to reduce divergences;
- (iii) to prepare for submission to the 103rd session of the Board a report on its work containing suggestions regarding the procedures to be followed in the future (proposing several alternatives whenever necessary).

At its 103rd session the Executive Board took note of the first report of this Working Party.²³¹ By a decision²³² taken under item 5.5.2 of its agenda, the Executive Board confirmed that the procedure as laid down in 77 EX/Decision 8.3 and 98 EX/Decisions 9.4, 9.5 and 9.6, for handling communications on specific cases by its Committee on Conventions and Recommendations in Education would remain in force for the time being and requested the Working Party to meet again in January 1978, in order to prepare a final report, in accordance with the terms of reference laid down in 102 EX/Decision 5.6.2, and taking into consideration the comments of the Committee on Conventions and Recommendations in Education contained in document 103 EX/17, Part II, for submission to it at its 104th session.

4. INTERNATIONAL CIVIL AVIATION ORGANIZATION

1. LEASE, CHARTER AND INTERCHANGE OF AIRCRAFT IN INTERNATIONAL OPERATIONS

Pursuant to Resolution A21-22, the Council of ICAO convened a Special Subcommittee which met in Montreal from 23 March to 5 April 1977 to study the problems raised when an aircraft registered in one State is operated by an operator belonging to another State. Among other tasks, the Subcommittee was charged with studying the problems raised by such operations under Articles 12, 31 and 32 of the Chicago Convention, formulating a Draft Protocol for amendment of the Rome Convention and the Tokyo Convention which would solve the problems raised under similar circumstances in respect to those Conventions, and examining the question of potential conflicts between the Chicago Convention and a separate multilateral convention which would include specific provisions regarding the operation of an aircraft registered in one State and operated by a foreign operator.

²²⁹ See document 103 EX/17 PRIV., 29 September 1977.

²³⁰ See 102 EX/Decision 5.6.2, 25 April-12 May 1977.

²³¹ See document 103 EX/19.

²³² See 103 EX/Decision 5.5.2.

With respect to the Chicago Convention, the Subcommittee drafted an Article 83 bis (Transfer of certain functions and duties of the State of registry); the Subcommittee also prepared two amendments to the Rome Convention of 1952 (Article 15, paragraphs 1 and 7 (a) and Article 23, paragraph 1). With respect to the amendment to the Tokyo Convention, the Subcommittee did not draft a specific text.

On 10 May 1977, the Council noted the Report of the Subcommittee and its conclusion that the matter was ripe for study by the Legal Committee. The 22nd Session of the Assembly (Montreal, 13 September–4 October 1977) expressed its appreciation for the work done by ICAO with respect to the implementation of Assembly Resolution A21-22 and adopted Resolution 22/28.

2. UNLAWFUL INTERFERENCE WITH INTERNATIONAL CIVIL AVIATION AND ITS FACILITIES

The Committee on Unlawful Interference with Civil Aviation and its Facilities held 12 meetings during the year. It examined certain proposals from States for amendments to Annex 17 (Security) and the problem of the transfer of Chapter 9 (Security Provisions) from Annex 9 (Facilitation) to Annex 17 or another appropriate document. As a result of the recommendation made by the Committee, and taking into account the comments made by Contracting States and interested international organizations which had been consulted on these matters, the Council adopted Amendment 2 to Annex 17 on 15 December 1977 and prescribed 15 April 1978 as the date on which the said Amendment 2 would become effective, except for any part concerning which a majority of Contracting States registered their disapproval before this date. The date of applicability of the amendment, to the extent it would have become effective, was set at 10 August 1978.

It will be noted that the Assembly adopted Resolution A22-16 (Strengthening of measures to suppress acts of unlawful interference with civil aviation) urging all Contracting States which have not yet done so to become party to the Tokyo Convention of 1963,²³³ the Hague Convention of 1970²³⁴ and the Montreal Convention of 1971.²³⁵

3. AUTHENTIC RUSSIAN TEXT OF THE CONVENTION ON INTERNATIONAL CIVIL AVIATION

In accordance with ICAO Assembly Resolution A21-13 concerning the preparation of the authentic text of the Convention on International Civil Aviation in the Russian language, the Council convened an International Conference of Plenipotentiaries concurrently with the 22nd Session of the Assembly for the purpose of adopting the authentic text of the Convention on International Civil Aviation and the amendments thereto in the Russian language; the International Conference met in Montreal from 19 to 30 September.

As a result of its deliberations, the Conference adopted the Protocol on the Authentic Quadrilingual Text of the Convention on International Civil Aviation. By the end of the year, 18 States had signed the Protocol without reservation as to acceptance; 16 States that had signed the Protocol with reservation as to acceptance had not deposited instruments of acceptance when the year closed.

4. DIGEST OF JUDICIAL DECISIONS

Pursuant to Assembly Resolution A21-14, the Council studied the feasibility of the preparation of a digest of judicial decisions relating to multilateral international private air law conventions and studied the comments on the subject received from States at its invitation. At its 90th Session in 1977, the Council had for consideration a draft Assembly

²³³ Reproduced in the *Juridical Yearbook* 1963, p. 136.

²³⁴ *Ibid.*, 1970, p. 131.

²³⁵ *Ibid.*, 1971, p. 143.

Working Paper prepared by the Secretary General containing a sample or model of judicial decisions. The 22nd Session of the Assembly, on 3 October 1977, decided that a repertory of significant judicial decisions be published from time to time in a suitable existing ICAO publication in all official languages of ICAO; the repertory should include only such data as the indication of the country where the decision was issued, short description of the facts and of the decision, the international convention referred to by the court as well as a reference to the appropriate sources where the text in full can be found.

5. WORLD HEALTH ORGANIZATION

CONSTITUTIONAL AND LEGAL DEVELOPMENTS

1. On 12 July 1976, the Socialist Republic of Viet-Nam had notified the Director-General of the unification of the former Democratic Republic of Viet-Nam and of the Republic of South Viet-Nam (both WHO Members) and stated that it would continue to exercise the official membership. This notification was brought to the attention of the Thirtieth World Health Assembly in May 1977. As a result of this change the Organization had, at the end of 1977, 150 Members and two Associate Members.²³⁶

2. Twelve instruments of acceptance of the further amendment to Articles 24 and 25 of the Constitution of 17 May 1976, increasing to 31 the number of seats on the Executive Board, were deposited in 1977, bringing the total number of such instruments up to eighteen.

3. The amendments to Articles 34 and 55 of the Constitution which had been adopted in 1973 and which permit a transition to biennial budgeting came into force on 3 February 1977 upon the deposit of the 100th instrument of acceptance. The Thirtieth World Health Assembly thereupon introduced biennial budgeting with effect from the biennium 1980-1981.

4. In October 1977, following a resolution of Subcommittee A of the Regional Committee for the Eastern Mediterranean, the Government of Kuwait proposed an amendment to Article 71 of the Constitution which would provide for an authentic Arabic text (in addition to the Chinese, English, French, Russian and Spanish texts) and submitted such text for adoption by the World Health Assembly. The Director-General communicated this proposal to Members informing them that the necessary steps would be taken to enable the Executive Board to put this item on the provisional agenda of the Thirty-first World Health Assembly to be held in May 1978.

5. During the year 1977, four Members (Bahamas, Greece, Republic of Korea and Uruguay) became bound, through instruments of accession or declarations of succession, by the Convention on the Privileges and Immunities of the Specialized Agencies together with its Annex VII, which relates specifically to the World Health Organization.

6. Under a project agreement with the United Nations Environment Programme, WHO prepared a series of studies serving as the basis for the drafting of a Protocol for the Protection of the Mediterranean Sea against Pollution from Land-based Sources. Drafts for this Protocol, which is to supplement the Convention adopted in Barcelona on 16 February 1976, were considered at intergovernmental meetings held with WHO participation in February 1977 in Athens and in October 1977 in Venice. It is expected that the Protocol will be adopted before the end of 1979.

²³⁶ The associate membership of one of these, Southern Rhodesia, is regarded as being in suspense.

HEALTH LEGISLATION

7. By resolution WHA30.44 of 19 May 1977, the World Health Assembly requested the Director-General:

- (1) to strengthen WHO's programme in health legislation, with a view to assisting Member States, upon their request, in the development of appropriate health legislation adapted to their needs and enhance technical cooperation in health legislation and its administration, particularly in developing countries; and
- (2) to strengthen collaboration with other specialized agencies in the development of guidelines on various aspects of health legislation.

Measures are now under way to implement these provisions on the basis of a questionnaire to Member States giving them an opportunity to indicate how the programme can best be made responsive to their needs.

8. The dissemination of information on national health legislation, both through the *International Digest of Health Legislation* (of which four issues appeared in 1977) and in response to specific enquiries, continued to be the main activity in 1977. Consultant assistance was provided to a number of countries. Close contact was maintained with a number of intergovernmental and nongovernmental organizations with an interest in health legislation.

9. In December 1977 the Council for International Organizations of Medical Sciences (a nongovernmental organization closely associated with WHO) held a Round Table Conference devoted to "Trends and Prospects in Drug Research and Development", and giving considerable attention to legislative and regulatory problems.

10. Contributions on legislative aspects were made to technical meetings dealing *inter alia* with safety measures in microbiological work, food control strategies, the deliberate exposure of humans to ionizing radiation for non-medical purposes, protection against non-ionizing radiation, the discharge of radioactive wastes into the sea, smallpox eradication, and human rights in relation to health. Further work was devoted to legislative means of improving the status of women in health and development.

6. WORLD BANK

INTERNATIONAL CENTRE FOR SETTLEMENT OF INVESTMENT DISPUTES

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

As of March 1, 1978, seventy-six States had signed the Convention,²³⁷ Kuwait, Seychelles and Western Samoa being the most recent signatories. Sixty-nine States had taken the final step toward becoming Contracting States by depositing instruments of ratification.²³⁸

Disputes submitted to the Centre

On December 15, 1977, the Centre received a request from *Société Ltd. Benvenuti & Bonfant SRL*, an Italian company, for the institution of arbitration proceedings against *the Government of the People's Republic of Congo*.

²³⁷ The Convention on the Settlement of Investment Disputes between States and Nationals of Other States is reproduced in the *Juridical Yearbook* 1966, p. 196.

²³⁸ The list of Contracting States and Other Signatories of the Convention is reproduced in Document ICSID/3.

On October 13, 1977, the Centre received a request from *AGIP SpA*, an Italian company, for the institution of arbitration proceedings against *the Government of the People's Republic of Congo*.

In the case of *Adriano Gardella SpA vs. Government of Ivory Coast*, the Arbitral Tribunal rendered a unanimous award on August 29, 1977.

Reynolds Metals Company and Reynolds Jamaica Mines, Ltd. vs. the Government of Jamaica, the last of the three bauxite cases that had been submitted to the Centre in June of 1974, was terminated on October 12, 1977, when the Arbitral Tribunal issued a Procedural Order pursuant to Arbitration Rule 44 noting the discontinuance of the proceeding at the request of Reynolds. Reynolds had previously notified the Centre that on March 31, 1977 it had concluded an agreement with the Government of Jamaica which provided a basis for terminating their dispute.

In the case of *the Government of Gabon vs. Société SERETE S.A.* a joint request for discontinuance of the proceedings pursuant to Arbitration Rule 43(1) was received by the Centre on October 5, 1977. The Arbitral Tribunal was constituted on February 28, 1977. Neither party had taken any further step in the proceeding.

The proceedings in *Holiday Inns/Occidental Petroleum vs. Government of Morocco* are continuing. The case was registered on December 27, 1971.

7. INTERNATIONAL MONETARY FUND

The Legal Department participates in most of the activities of the International Monetary Fund by giving legal opinions, drafting texts and documents for adoption as decisions of the Fund or other elements in its *corpus juris*, and engaging in legal research. Members of the staff of the Legal Department assist the various organs and committees of the Fund (including the Board of Governors, the Interim Committee of the Board of Governors on the International Monetary System, the Joint Ministerial Committee of the Boards of Governors of the Bank and the Fund on the Transfer of Real Resources to Developing Countries (Development Committee), and the Executive Board), participate in consultations of the staff with member countries and attend meetings with other international organizations. The Legal Department also participates in various projects of technical assistance provided by the Fund to its members.

The principal activities of the Fund during 1977 are summarized below.

SECOND AMENDMENT OF THE ARTICLES OF AGREEMENT

As of the end of 1977, the proposed Second Amendment of the Articles of Agreement, reported in the *Juridical Yearbook*, 1976, had been accepted by 66 members having 66.04 per cent of the total voting power. To become effective the proposed amendment requires acceptance by three-fifths of the members having four-fifths of the total voting power.²³⁹ The Second Amendment includes new provisions dealing with exchange arrangements, a gradual reduction in the role of gold in the international monetary system, changes in the characteristics and expansion of the uses of the SDR that are intended to enhance its status as an international reserve asset, simplification and expansion of the Fund's financial operations and transactions, the possible establishment in the future of a Council as a new organ composed of Governors of the Fund and ministers or persons of comparable rank, and improvements in other organizational aspects of the Fund. The Fund's Articles of Agreement, adopted in 1945, were amended for the first time in 1969, when the SDR was established.

²³⁹ The Second Amendment entered into force for all members on April 1, 1978 following its acceptance.

EXCHANGE ARRANGEMENTS AND SURVEILLANCE BY THE FUND

Article IV, Section 3 of the proposed Second Amendment provides:

“Section 3. Surveillance over exchange arrangements

“(a) The Fund shall oversee the international monetary system in order to ensure its effective operation, and shall oversee the compliance of each member with its obligations under Section 1 of this Article.

“(b) In order to fulfill its functions under (a) above, the Fund shall exercise firm surveillance over the exchange rate policies of members, and shall adopt specific principles for the guidance of all members with respect to those policies. Each member shall provide the Fund with the information necessary for such surveillance, and, when requested by the Fund, shall consult with it on the member’s exchange rate policies. The principles adopted by the Fund shall be consistent with cooperative arrangements by which members maintain the value of their currencies in relation to the value of the currency or currencies of other members, as well as with other exchange arrangements of a member’s choice consistent with the purposes of the Fund and Section 1 of this Article. These principles shall respect the domestic social and political policies of members, and in applying these principles the Fund shall pay due regard to the circumstances of members.”

On April 29, 1977, the Executive Board of the Fund approved a document entitled *Surveillance over Exchange Rate Policies*.²⁴⁰ The decision approving the document states that the “Fund shall act in accordance with this document when the second amendment becomes effective.” The document sets forth three principles for the guidance of members’ exchange rate policies:

“A. A member shall avoid manipulating exchange rates or the international monetary system in order to prevent effective balance of payments adjustment or to gain an unfair competitive advantage over other members.

“B. A member should intervene in the exchange market if necessary to counter disorderly conditions which may be characterized *inter alia* by disruptive short-term movements in the exchange value of its currency.

“C. Members should take into account in their intervention policies the interests of other members, including those of the countries in whose currencies they intervene.”

The document includes principles of surveillance by the Fund over the exchange rate policies of members and specifies certain developments that will be considered by the Fund indications of the need for special discussion with a member.

The document also sets forth procedures for surveillance, including procedures for notification by members to the Fund of exchange arrangements and any changes in them, regular consultations with members, and periodic review by the Fund of broad developments in exchange rates. The Managing Director is to maintain close contact with members and if, in the interval between Article IV consultations, he considers that a member’s exchange rate policies may not be in accord with the exchange rate principles, he must discuss the matter on a confidential basis with the member and report to the Executive Board on the results of the discussion. The procedures further provide that the Executive Board will review annually the general implementation of the Fund’s surveillance over members’ exchange rate policies.

TRANSACTIONS AND OPERATIONS

During 1977 purchases of exchange from the Fund totaled approximately SDR 3.4 billion or slightly less than half the volume of purchases in 1976. Repurchases by

²⁴⁰ International Monetary Fund. Annual Report of the Executive Directors for the fiscal year ended April 30, 1977, pp. 107–109.

members in 1977 amounted to an unprecedented SDR 2,934 million, compared with SDR 1,266 million in 1976. The major portion of the total purchases consisted of use of the credit tranches following a decision by the Fund in 1976 to extend the size of the credit tranches until the effective date of the proposed Second Amendment of the Articles of Agreement.

Members' purchases under the compensatory financing facility, which has been in existence since 1963, were considerably lower in 1977 than in 1976 because of a strong recovery of commodity prices.

SUPPLEMENTARY FINANCING FACILITY

The Executive Board of the Fund adopted a decision on August 29, 1977 according to which the Fund would be prepared to provide supplementary financing, in conjunction with use of the ordinary resources of the Fund, to members facing serious payments imbalances that would be large in relation to their quotas. The decision will become effective on the date on which loan agreements between the Fund and lenders providing resources to finance the Facility are entered into for a total amount not less than SDR 7.75 billion, including at least six agreements each of which provides for an amount not less than SDR 500 million. As of the end of 1977, thirteen member countries or their institutions and the Swiss National Bank had expressed their willingness to lend a total of SDR 8.71 billion to the Fund to finance purchases under the Facility.

Members will be able to use the Facility under a stand-by or extended arrangement reaching into the upper credit tranches or beyond and the arrangement must be in accordance with the Fund's policies, including *inter alia* its policies on conditionality, phasing, and performance criteria. A request for a purchase in accordance with a stand-by or extended arrangement approved under the decision will be met from ordinary resources and supplementary financing in varying proportions determined under the provisions of the decision. The period of a stand-by arrangement will normally exceed one year and may extend up to three years in appropriate cases. An extended arrangement is approved normally for periods of three years. The Facility is designed to assist members that, because of the seriousness of their payments problems, can be expected to need resources in larger amounts and for longer periods than could be available to them under the regular credit tranches. Repurchases in respect of outstanding purchases under the decision will be made in accordance with the terms of the stand-by or extended arrangement under which the purchases were made. A member will be expected to repurchase in respect of purchases, whether made with ordinary resources or with supplementary financing, as its balance of payments and reserve position improves if the Fund represents, after consultation with the member, that repurchase should be made because of an improvement. The terms will also provide that with respect to purchases financed with ordinary resources repurchase will be made in accordance with the Fund's policies on the credit tranches or under the Extended Fund Facility; and that with respect to purchases made with supplementary financing repurchase will be made in equal semi-annual installments that begin not later than three and one-half years and are completed not later than seven years after the purchase.

ALLOCATION OF SPECIAL DRAWING RIGHTS

Under Article XXIV, Section 4(c) of the Articles of Agreement, the Managing Director must submit to the Board of Governors, not later than six months before the end of a basic period for the allocation of SDRs, a proposal with respect to the allocation of special drawing rights in the next basic period. If he finds that there is no proposal consistent with the Articles that has broad support among participants, he must so report to the Board of Governors and to the Executive Board. Basic periods for the allocation or cancellation of SDRs are for consecutive periods of five years each unless otherwise des-

ignated. The first basic period, in which an allocation of SDRs was made, began on January 1, 1970 and was for three years. The second basic period began on January 1, 1973, and the third basic period is to begin on January 1, 1978. On June 29, 1977, the Managing Director reported to the Board of Governors that there was no proposal for a new allocation that he considered to be consistent with the provisions of the Articles that had broad support among participants.

GOLD DISPOSITION PROGRAM

At meetings in August 1975 and January 1976, the Interim Committee of the Board of Governors reached understandings that provision should be made for the sale over a four-year period of one-sixth of the Fund's gold (25 million ounces) for the benefit of developing countries and for the proportionate distribution, at the price of SDR 35 per ounce, of a further one-sixth to members. In 1976 the Executive Board established a Trust Fund to be administered by the Fund as Trustee for the purposes of providing special balance of payments assistance to developing member countries with the profits from the sale of gold, and with any financing that may be available from voluntary contributions or from loans. The Executive Board also decided at that time that, over the first two years of the four-year period, arrangements would be made for the sale of 12.5 million ounces of gold at 16 public auctions. During 1977, the Fund as Trustee for the Trust Fund made the first and second interim loan disbursements and conducted sales of gold at public auction in the second year of the four-year program.

Beginning in January 1977, the Fund also carried out the first phase of the "restitution" of one-sixth of its gold to members.

BY-LAWS, RULES AND REGULATIONS

The Legal Department of the Fund devoted much time in 1977 to the extensive revision by the Board of Governors and the Executive Board of the Fund's By-laws, Rules and Regulations, and general decisions in order to conform them with the amended Articles of Agreement.

BOARD OF GOVERNORS COMMITTEE

The Interim Committee of the Board of Governors on the International Monetary System held its eighth and ninth meetings in Washington, D.C., in April and September 1977. The Committee held discussions and reached agreement on the need for a supplementary facility (see above) that would allow the Fund to expand its financial assistance to certain members. The Committee expressed its views on the functioning of the international adjustment process, the main issues relating to the seventh general review of quotas, and the question of a further allocation of SDRs. The Committee also reaffirmed its request to the Executive Board to review the characteristics and uses of the SDR, including the objective of making the SDR the principal reserve asset in the international monetary system.

TECHNICAL ASSISTANCE

The Legal Department participates in the training and technical assistance provided by the Fund to member countries in various forms, including a training institute at headquarters, Fund staff missions, and the assignment of experts from outside the staff. The Central Banking Service provides advisory services on a wide range of central banking and related activities, such as drafting or amending central bank and general banking legislation, organization and administration of central monetary authorities, and development of local financial institutions. The Legal Department has cooperated in the drafting

of legislation in this area as well as in the field of taxation.

Members of the Legal Department staff continued to cooperate with the United Nations Commission on International Trade Law Study Group on International Payments and to attend various international conferences and meetings of international organizations at which issues of interest to the Fund arise.

8. INTERNATIONAL TELECOMMUNICATION UNION

1. MEMBERSHIP OF THE UNION

In 1977, the following two countries became Members of the International Telecommunication Union: the Republic of San Marino (on 25 March) and the Republic of Djibouti (on 22 November). At 31 December 1977, the number of Members of the ITU was 154.

2. QUESTIONS RELATING TO RADIOCOMMUNICATIONS

At the end of a World Administrative Radio Conference held in Geneva from 10 January to 13 February 1977, the delegates of 106 Members of the ITU adopted, subject to the approval of the competent authorities of their respective countries, some provisions and an associated Plan for the Broadcasting-Satellite Service in frequency bands 12 GHz for Regions 1 and 3 (the world except for the Americas). With regard to Region 2 (the Americas), provisions were adopted governing the Broadcasting-Satellite Service in the Region pending the establishment of a detailed Plan by a future Regional Administrative Radio Conference.

The Final Acts of the Conference will enter into force on 1 January 1979.

9. WORLD METEOROLOGICAL ORGANIZATION

MEMBERSHIP OF THE ORGANIZATION

1. The following countries deposited their Instruments of Accession to the Convention of the World Meteorological Organization during 1977. The date of deposit and the effective date of Membership are indicated in each case, in chronological order:

<i>State</i>	<i>Date of deposit of the instrument of accession</i>	<i>Date of membership</i>
Seychelles	15 February 1977 (under Article 3(b) of the Convention)	17 March 1977
People's Republic of Angola	16 March 1977 (under Article 3(b) of the Convention)	15 April 1977
Guinea-Bissau	15 December 1977 (under Article 3(b) of the Convention)	14 January 1977

2. St. Pierre and Miquelon, a Member Territory withdrew from the Membership of WMO, consequent on its change of status from an overseas Territory to an overseas Department of France and the resulting incorporation of its Meteorological Service in the French National Meteorological Service. In accordance with Article 30(b) of the WMO Convention, the withdrawal became effective as from 28 September 1977, twelve months after the notice of withdrawal had been received.

AGREEMENTS AND WORKING ARRANGEMENTS

Working Arrangements with the International Institute for Applied Systems Analysis (IIASA)

3. Under the authority given by the twenty-ninth session of the Executive Committee of the World Meteorological Organization, working arrangements were established by an exchange of letters, between the World Meteorological Organization and the International Institute for Applied Systems Analysis (IIASA) and came into force on 13 September 1977.

The texts of the correspondence will be included in a new edition of the Publication entitled "Agreements and Working Arrangements with other international organizations" (WMO-No. 60).

Working Arrangements with the International Seismological Centre

4. The twenty-ninth session of the Executive Committee approved also the establishment of working arrangements between the World Meteorological Organization and the International Seismological Centre. The working arrangements were established by an exchange of letters between WMO and the Centre and came into force on 5 October 1977.

The texts of the correspondence will be included in the publication entitled "Agreements and Working Arrangements with other international organizations" (WMO-No. 60).

Agreement for Joint Financing of North Atlantic Ocean Stations

5. An amendment to the Agreement for Joint Financing of North Atlantic Ocean Stations (NAOS) was adopted by the second session of the NAOS Board which concluded in Geneva on 6 October 1977. The amendment refers to the final part of the Agreement containing the list of countries signatory to the Agreement.²⁴¹

10. INTER-GOVERNMENTAL MARITIME CONSULTATIVE ORGANIZATION

(a) INTERNATIONAL CONFERENCES CONVENED BY IMCO IN 1977

International Conference on Safety of Fishing Vessels, 1977

The Conference, held in Torremolinos (Spain) from March 7 to 2 April 1977, adopted as a result of its deliberations, the Torremolinos Convention for the Safety of Fishing Vessels, 1977. In addition, it adopted also, a number of recommendations and resolutions.

This Convention, aimed at promoting the safety of fishing vessels, was deemed necessary to provide special rules for this kind of vessels which are exempt from almost all the requirements of the international conventions for the life at sea and international conventions on load lines.

(b) DECISIONS AND OTHER LEGAL ACTIVITIES

The Legal Committee considered *inter alia*:

(1) Questions relating to the extension of the 1969 International Convention on Civil Liability for Oil Pollution Damage and possible extension of the 1971 International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage or other Substances;

²⁴¹ Decision No. 1 (NAOS-II), Geneva, 4-7 July and 5-6 October 1977.

- (2) Questions relating to the legal status of novel types of craft;
- (3) Questions relating to a new convention on liability and compensation in connexion with the carriage of noxious and hazardous substances by sea;
- (4) Questions relating to a draft international convention for the unification of certain rules concerning civil jurisdiction, choice of law and recognition and enforcement of judgments in matters of collision.

11. INTERNATIONAL ATOMIC ENERGY AGENCY

1. STATUTE AND MEMBERSHIP OF THE AGENCY. ACTIONS TAKEN BY STATES IN CONNECTION WITH THE STATUTE

- (a) *Instruments of Acceptance deposited during 1977*
Nicaragua, 25 March
- (b) *At the end of 1977, the Agency's membership stood at 109*

2. STATUS OF THE VIENNA CONVENTION ON CIVIL LIABILITY FOR NUCLEAR DAMAGE²⁴²

The Vienna Convention on Civil Liability for Nuclear Damage adopted in Vienna on 21 May 1963 by an international conference convened by the IAEA, entered into force on 12 November 1977 in accordance with Article XXIII, three months after the deposit of the fifth instrument of ratification by the Socialist Federal Republic of Yugoslavia on 12 August 1977. The Convention is in force with respect to the following States:

Argentina, Bolivia (accession), Cuba, Egypt, the Philippines, Trinidad and Tobago (accession), the United Republic of Cameroon (accession) and Yugoslavia.

The other Signatories to the Convention are Colombia, Spain and the United Kingdom.

3. LEGAL ACTIVITIES

(a) *Safeguards agreements*

A substantial part of the legal activities of the Agency concerned the negotiation, conclusion and implementation of safeguard agreements (see p. 37 above).

(b) *Standardization of irradiated food*

An Advisory Group on International Acceptance of Irradiated Food was convened jointly by the Agency, FAO and WHO at the end of 1977. The Group reviewed standardization in food irradiation and harmonization in the regulatory control of irradiation process, so as to ensure that only irradiated food which is safe for public consumption enters international trade. The Group recommended some regulatory measures and enforcement procedures which could be adopted by national authorities, and also an international coding system on labels or on documents accompanying bulk goods which enter the international market.

(c) *International Nuclear Fuel Cycle Evaluation*

The Legal Division has been providing legal advice to the International Nuclear Fuel Cycle Evaluation. The Division is particularly concerned with institutional problems and extensive time has also been devoted to Agency sponsored studies on plutonium management and spent fuel storage.

²⁴² Reproduced in the *Juridical Yearbook*, 1963, p. 148.

(d) *Peaceful Nuclear Explosions*

The *Ad Hoc* Advisory Group on Nuclear Explosions for Peaceful Purposes, established in June 1975 by the Board of Governors of the IAEA, submitted its report in September 1977. The report contains a large chapter on "Legal Aspects and Treaty Obligations", a chapter on "Principles or Matters to be Considered in Formulating International Arrangements . . .", and a chapter on "Some Alternative International Legal Instruments". The Board of Governors, on 23 September 1977, resolved to keep the subject matter of the report under review and to continue consideration of the matter when appropriate.

(e) *Regional Co-operative Agreement*

In 1972 the IAEA concluded a five-year Regional Co-operative Agreement (RCA) with Member States in Asia and the Pacific for research, development and training related to nuclear science and technology, which was extended in June 1977 for a further five-year period.

(f) *The Study Project on Regional Nuclear Fuel Cycle Centres*

This project was started by the IAEA in 1975, to cover the technological and economic aspects of spent fuel transport and storage, fuel reprocessing, fuel fabrication, radioactive waste processing and disposal as well as financial, non-proliferation and safeguards, institutional and legal material security and environmental aspects of the establishment of nuclear fuel cycle centres on a regional basis. The study was completed early in 1977 and submitted to the International Conference on Nuclear Power and its Fuel Cycle, held by the IAEA at Salzburg, Austria, in May 1977.

(g) *Preparatory work for a Convention on Physical Protection of Nuclear Facilities and Materials*

A meeting of governmental representatives was convened by the IAEA from 31 October to 10 November 1977 to consider the drafting of a convention on the physical protection of nuclear material. The meeting was attended by representatives of 36 Member States and observers from 10 other States and from EURATOM, OECD/NEA and the Organization of the Treaty for the Prohibition of Nuclear Weapons in Latin America (OPANAL). The meeting was provided with a draft convention prepared by the United States and comments on that draft received by the IAEA from Member States.

It was decided that a second meeting should be held in April 1978 for consideration of the scope, preamble, and final clauses of the convention, as well as further consideration of the draft articles revised by the two working groups.

(h) *IAEA responsibilities under the London Dumping Convention*

In the discharge of its responsibilities under the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter, the IAEA continued a review of its Provisional Definition and Recommendations with respect to radioactive wastes or other radioactive matter. The review was aimed at refining and consolidating the IAEA Definition and Recommendations in response to a request made by the Contracting Parties at their First Consultative Meeting held in London in September 1976. In this conjunction the Board of Governors decided in February 1977 that the IAEA should expand its activities in the area of radioactive waste dumping at sea by establishing safety codes and guides relating to such operations, and by providing advisory services as is currently done in other areas of IAEA activities.

(i) *Regional workshop on nuclear law*

In co-operation with the Brazilian Nuclear Energy Commission the IAEA organized a Regional Workshop on Nuclear Law in Rio de Janeiro from 27 June to 1 July 1977. The purpose of the Workshop was to review trends and developments in some major areas of nuclear law and to discuss the needs for corresponding legislation in Latin American

countries. Lectures on regulatory control of nuclear installations, safeguards, physical protection of nuclear materials, export licensing, nuclear liability and insurance were presented by IAEA staff members and experts from the Federal Republic of Germany, the United Kingdom and the United States of America. More than 50 lawyers and officials involved in nuclear energy matters in Latin American countries participated in the Workshop; they were from Argentina, Brazil, Chile, Costa Rica, Peru and Venezuela.

(j) *Advisory services in nuclear legislation*

Advisory services in nuclear legislation and regulatory matters were provided by the Legal Division to the Governments of Malaysia and Morocco in 1977 at the latter's request. In Malaysia, such services consisted in a review of a draft atomic energy act prepared earlier with the IAEA assistance and covering both the licensing and liability aspects of nuclear installations. In Morocco, discussions were held with the relevant authorities to advise them on the legislative framework and regulatory steps required for the implementation of a nuclear power programme.
