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UNITED NATIONS JURIDICAL YEARBOOK

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

Chapter 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) Special session of the General Assembly devoted to disarmament

(1) *Preparatory work for the special session*

(i) Work of the Preparatory Committee²

Pursuant to General Assembly resolution 32/88 B, the Preparatory Committee held two substantive sessions, one from 24 January to 24 February, and the other from 4 to 21 April. The sessions were mostly concerned with the substantive issue of preparing the draft final document or documents on the basis of various papers submitted by delegations. The Committee examined those papers in an attempt to consolidate the areas of agreement and resolve the areas of disagreement and submitted to the special session a unified draft final document which contained a number of agreed formulations, as well as all unresolved issues.

(ii) Consideration by the CCD

Further to a recommendation of the Preparatory Committee, the CCD prepared a report³ consisting of two volumes: volume I briefly presented the basic facts concerning the establishment, work and specific achievements of the CCD from 1962 to the present date and described the current state of questions under consideration and volume II provided additional details on more recent views of delegations on questions under consideration and relevant developments.

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

The tenth special session of the General Assembly, the first devoted to disarmament, opened on 23 May 1978 and concluded its work on 30 June. The open-ended *Ad Hoc* Committee which was established to prepare the Final Document submitted the report on its work⁴ to the General Assembly at the 27th plenary meeting on 30 June. The report contained two recommendations: one, that the General Assembly should adopt the draft resolution embodying the draft final document, and the other, that it should refer to its thirty-third session the consideration of the draft resolution on military and nuclear collaboration with Israel. Both recommendations were adopted by consensus although Israel stated that if the latter recommendation had been put to the vote, it would have voted against it. Thus, the work of the special session was finally brought to a successful conclusion. Before the session was formally closed, a number of statements were made, many of them by States wishing to give explanations of their positions on those provisions of the Final Document which were not to their full satisfaction.

¹ This summary has been prepared on the basis of *The United Nations Disarmament Yearbook*, vol. 3: 1978 (United Nations publication, Sales No. E.79.IX.3).

² For the origin of the idea and the work of the Preparatory Committee in 1977, see *Juridical Yearbook*, 1977, p. 43 and the *United Nations Disarmament Yearbook*, vol. 2: 1977, p. 7.

³ *Official Records of the General Assembly, Tenth Special Session, Supplement No. 2*, vols. I and II (A/S-10/2), and *ibid.*, Supplement No. 2A (A/S-10/2/Add.1/Rev.1).

⁴ *Ibid.*, Annexes, agenda items 9, 10, 11 and 12, document A/S-10/23.

The text of the Final Document of the special session is reproduced below.

FINAL DOCUMENT OF THE TENTH SPECIAL SESSION OF THE GENERAL ASSEMBLY

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I. INTRODUCTION

1. The attainment of the objective of security, which is an inseparable element of peace, has always been one of the most profound aspirations of humanity. States have for a long time sought to maintain their security through the possession of arms. Admittedly, their survival has, in certain cases, effectively depended on whether they could count on appropriate means of defence. Yet the accumulation of weapons, particularly nuclear weapons, today constitutes much more a threat than a protection for the future of mankind. The time has therefore come to put an end to this situation, to abandon the use of force in international relations and to seek security in disarmament, that is to say, through a gradual but effective process beginning with a reduction in the present level of armaments. The ending of the arms race and the achievement of real disarmament are tasks of primary importance and urgency. To meet this historic challenge is in the political and economic interests of all the nations and peoples of the world as well as in the interests of ensuring their genuine security and peaceful future.

2. Unless its avenues are closed, the continued arms race means a growing threat to international peace and security and even to the very survival of mankind. The nuclear and conventional arms build-up threatens to stall the efforts aimed at reaching the goals of development, to become an obstacle on the road of achieving the new international economic order and to hinder the solution of other vital problems facing mankind.

3. The dynamic development of détente, encompassing all spheres of international relations in all regions of the world, with the participation of all countries, would create conditions conducive to the efforts of States to end the arms race, which has engulfed the world, thus reducing the danger of war. Progress on détente and progress on disarmament mutually complement and strengthen each other.

4. The Disarmament Decade solemnly declared in 1969 by the United Nations is coming to an end. Unfortunately, the objectives established on that occasion by the General Assembly appear to be as far away today as they were then, or even further because the arms race is not diminishing but increasing and outstrips by far the efforts to curb it. While it is true that some limited agreements have been reached, "effective measures relating to the cessation of the nuclear arms race at an early date and to nuclear disarmament" continue to elude man's grasp. Yet the implementation of such measures is urgently required. There has not been any real progress either that might lead to the conclusion of a treaty on general and complete disarmament under effective international control. Furthermore, it has not been possible to free any amount, however modest, of the enormous resources, both material and human, which are wasted on the unproductive and spiralling arms race and which should be made available for the purpose of economic and social development, especially since such a race "places a great burden on both the developing and the developed countries."

5. The Members of the United Nations are fully aware of the conviction of their peoples that the question of general and complete disarmament is of utmost importance and that peace, security and economic and social development are indivisible, and they have therefore recognized that the corresponding obligations and responsibilities are universal.

6. Thus a powerful current of opinion has gradually formed, leading to the convening of what will go down in the annals of the United Nations as the first special session of the General Assembly devoted entirely to disarmament.

7. The outcome of this special session, whose deliberations have to a large extent been facilitated by the five sessions of the Preparatory Committee which preceded it, is the present Final Document. This introduction serves as a preface to the document which comprises also the following three sections: a Declaration, a Programme of Action and recommendations concerning the international machinery for disarmament negotiations.

8. While the final objective of the efforts of all States should continue to be general and complete disarmament under effective international control, the immediate goal is that of the elimination of the danger of a

nuclear war and the implementation of measures to halt and reverse the arms race and clear the path towards lasting peace. Negotiations on the entire range of those issues should be based on the strict observance of the purposes and principles enshrined in the Charter of the United Nations, with full recognition of the role of the United Nations in the field of disarmament and reflecting the vital interest of all the peoples of the world in this sphere. The aim of the Declaration is to review and assess the existing situation, outline the objectives and the priority tasks and set forth fundamental principles for disarmament negotiations.

9. For disarmament—the aims and purposes of which the Declaration proclaims—to become a reality, it was essential to agree on a series of specific disarmament measures, selected by common accord as those on which there is a consensus to the effect that their subsequent realization in the short term appears to be feasible. There is also a need to prepare through agreed procedures a comprehensive disarmament programme. That programme, passing through all the necessary stages, should lead to general and complete disarmament under effective international control. Procedures for watching over the fulfilment of the obligations thus assumed had also to be agreed upon. That is the purpose of the Programme of Action.

10. Although the decisive factor for achieving real measures of disarmament is the “political will” of States, especially of those possessing nuclear weapons, a significant role can also be played by the effective functioning of an appropriate international machinery designed to deal with the problems of disarmament in its various aspects. Consequently, it would be necessary that the two kinds of organs required to that end, the deliberative and the negotiating organs, have the appropriate organization and procedures that would be most conducive to obtaining constructive results. The last section of the Final Document, section IV, has been prepared with that end in view.

II. DECLARATION

11. Mankind today is confronted with an unprecedented threat of self-extinction arising from the massive and competitive accumulation of the most destructive weapons ever produced. Existing arsenals of nuclear weapons alone are more than sufficient to destroy all life on earth. Failure of efforts to halt and reverse the arms race, in particular the nuclear arms race, increases the danger of the proliferation of nuclear weapons. Yet the arms race continues. Military budgets are constantly growing, with enormous consumption of human and material resources. The increase in weapons, especially nuclear weapons, far from helping to strengthen international security, on the contrary weakens it. The vast stockpiles and tremendous build-up of arms and armed forces and the competition for qualitative refinement of weapons of all kinds, to which scientific resources and technological advances are diverted, pose incalculable threats to peace. This situation both reflects and aggravates international tensions, sharpens conflicts in various regions of the world, hinders the process of détente, exacerbates the differences between opposing military alliances, jeopardizes the security of all States, heightens the sense of insecurity among all States, including the non-nuclear-weapon States, and increases the threat of nuclear war.

12. The arms race, particularly in its nuclear aspect, runs counter to efforts to achieve further relaxation of international tension, to establish international relations based on peaceful coexistence and trust between all States, and to develop broad international co-operation and understanding. The arms race impedes the realization of the purposes, and is incompatible with the principles, of the Charter of the United Nations, especially respect for sovereignty, refraining from the threat or use of force against the territorial integrity or political independence of any State, the peaceful settlement of disputes and non-interference in the internal affairs of States. It also adversely affects the right of peoples freely to determine their systems of social and economic development, and hinders the struggle for self-determination and the elimination of colonial rule, racial or foreign domination or occupation. Indeed, the massive accumulation of armaments and the acquisition of armaments technology by racist régimes, as well as their possible acquisition of nuclear weapons, present a challenging and increasingly dangerous obstacle to a world community faced with the urgent need to disarm. It is, therefore, essential for purposes of disarmament to prevent any further acquisition of arms or arms technology by such régimes, especially through strict adherence by all States to relevant decisions of the Security Council.

13. Enduring international peace and security cannot be built on the accumulation of weaponry by military alliances nor be sustained by a precarious balance of deterrence or doctrines of strategic superiority. Genuine and lasting peace can only be created through the effective implementation of the security system provided for in the Charter of the United Nations and the speedy and substantial reduction of arms and armed forces, by international agreement and mutual example, leading ultimately to general and complete disarmament under effective international control. At the same time, the causes of the arms race and threats to peace must be reduced and to this end effective action should be taken to eliminate tensions and settle disputes by peaceful means.

14. Since the process of disarmament affects the vital security interests of all States, they must all be actively concerned with and contribute to the measures of disarmament and arms limitation, which have an essential part to play in maintaining and strengthening international security. Therefore the role and responsibility of the United Nations in the sphere of disarmament, in accordance with its Charter, must be strengthened.

15. It is essential that not only Governments but also the peoples of the world recognize and understand the dangers in the present situation. In order that an international conscience may develop and that world public opinion may exercise a positive influence, the United Nations should increase the dissemination of information on the armaments race and disarmament with the full co-operation of Member States.

16. In a world of finite resources there is a close relationship between expenditure on armaments and economic and social development. Military expenditures are reaching ever higher levels, the highest percentage of which can be attributed to the nuclear-weapon States and most of their allies, with prospects of further expansion and the danger of further increases in the expenditures of other countries. The hundreds of billions of dollars spent annually on the manufacture or improvement of weapons are in sombre and dramatic contrast to the want and poverty in which two thirds of the world's population live. This colossal waste of resources is even more serious in that it diverts to military purposes not only material but also technical and human resources which are urgently needed for development in all countries, particularly in the developing countries. Thus, the economic and social consequences of the arms race are so detrimental that its continuation is obviously incompatible with the implementation of the new international economic order based on justice, equity and co-operation. Consequently, resources released as a result of the implementation of disarmament measures should be used in a manner which will help to promote the well-being of all peoples and to improve the economic conditions of the developing countries.

17. Disarmament has thus become an imperative and most urgent task facing the international community. No real progress has been made so far in the crucial field of reduction of armaments. However, certain positive changes in international relations in some areas of the world provide some encouragement. Agreements have been reached that have been important in limiting certain weapons or eliminating them altogether, as in the case of the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction and excluding particular areas from the arms race. The fact remains that these agreements relate only to measures of limited restraint while the arms race continues. These partial measures have done little to bring the world closer to the goal of general and complete disarmament. For more than a decade there have been no negotiations leading to a treaty on general and complete disarmament. The pressing need now is to translate into practical terms the provisions of this Final Document and to proceed along the road of binding and effective international agreements in the field of disarmament.

18. Removing the threat of a world war—a nuclear war—is the most acute and urgent task of the present day. Mankind is confronted with a choice; we must halt the arms race and proceed to disarmament or face annihilation.

19. The ultimate objective of the efforts of States in the disarmament process is general and complete disarmament under effective international control. The principal goals of disarmament are to ensure the survival of mankind and to eliminate the danger of war, in particular nuclear war, to ensure that war is no longer an instrument for settling international disputes and that the use and the threat of force are eliminated from international life, as provided for in the Charter of the United Nations. Progress towards this objective requires the conclusion and implementation of agreements on the cessation of the arms race and on genuine measures of disarmament, taking into account the need of States to protect their security.

20. Among such measures, effective measures of nuclear disarmament and the prevention of nuclear war have the highest priority. To this end, it is imperative to remove the threat of nuclear weapons, to halt and reverse the nuclear arms race until the total elimination of nuclear weapons and their delivery systems has been achieved, and to prevent the proliferation of nuclear weapons. At the same time, other measures designed to prevent the outbreak of nuclear war and to lessen the danger of the threat or use of nuclear weapons should be taken.

21. Along with these measures, agreements or other effective measures should be adopted to prohibit or prevent the development, production or use of other weapons of mass destruction. In this context, an agreement on elimination of all chemical weapons should be concluded as a matter of high priority.

22. Together with negotiations on nuclear disarmament measures, negotiations should be carried out on the balanced reduction of armed forces and of conventional armaments, based on the principle of undiminished security of the parties with a view to promoting or enhancing stability at a lower military level, taking into account the need of all States to protect their security. These negotiations should be conducted with particular emphasis on armed forces and conventional weapons of nuclear-weapon States and other militarily significant countries. There should also be negotiations on the limitation of international transfer of conventional weapons, based in particular on the same principle, and taking into account the inalienable right to self-determination and independence of peoples under colonial or foreign domination and the obligations of States to respect that right, in accordance with the Charter of the United Nations and the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States, as well as the need of recipient States to protect their security.

23. Further international action should be taken to prohibit or restrict for humanitarian reasons the use of specific conventional weapons, including those which may be excessively injurious, cause unnecessary suffering or have indiscriminate effects.

24. Collateral measures in both the nuclear and conventional fields, together with other measures specifically designed to build confidence, should be undertaken in order to contribute to the creation of favourable conditions for the adoption of additional disarmament measures and to further the relaxation of international tension.

25. Negotiations and measures in the field of disarmament shall be guided by the fundamental principles set forth below.

26. All States Members of the United Nations reaffirm their full commitment to the purposes of the Charter of the United Nations and their obligation strictly to observe its principles as well as other relevant and generally accepted principles of international law relating to the maintenance of international peace and security. They stress the special importance of refraining from the threat or use of force against the sovereignty, territorial integrity or political independence of any State, or against peoples under colonial or foreign domination seeking to exercise their right to self-determination and to achieve independence; non-intervention and non-interference in the internal affairs of other States; the inviolability of international frontiers; and the peaceful settlement of disputes, having regard to the inherent right of States to individual and collective self-defence in accordance with the Charter.

27. In accordance with the Charter, the United Nations has a central role and primary responsibility in the sphere of disarmament. In order effectively to discharge this role and facilitate and encourage all measures in this field, the United Nations should be kept appropriately informed of all steps in this field, whether unilateral, bilateral, regional or multilateral, without prejudice to the progress of negotiations.

28. All the peoples of the world have a vital interest in the success of disarmament negotiations. Consequently, all States have the duty to contribute to efforts in the field of disarmament. All States have the right to participate in disarmament negotiations. They have the right to participate on an equal footing in those multilateral disarmament negotiations which have a direct bearing on their national security. While disarmament is the responsibility of all States, the nuclear-weapon States have the primary responsibility for nuclear disarmament and, together with other militarily significant States, for halting and reversing the arms race. It is therefore important to secure their active participation.

29. The adoption of disarmament measures should take place in such an equitable and balanced manner as to ensure the right of each State to security and to ensure that no individual State or group of States may obtain advantages over others at any stage. At each stage the objective should be undiminished security at the lowest possible level of armaments and military forces.

30. An acceptable balance of mutual responsibilities and obligations for nuclear and non-nuclear-weapon States should be strictly observed.

31. Disarmament and arms limitation agreements should provide for adequate measures of verification satisfactory to all parties concerned in order to create the necessary confidence and ensure that they are being observed by all parties. The form and modalities of the verification to be provided for in any specific agreement depend upon and should be determined by the purposes, scope and nature of the agreement. Agreements should provide for the participation of parties directly or through the United Nations system in the verification process. Where appropriate, a combination of several methods of verification as well as other compliance procedures should be employed.

32. All States, in particular nuclear-weapon States, should consider various proposals designed to secure the avoidance of the use of nuclear weapons, and the prevention of nuclear war. In this context, while noting the declarations made by nuclear-weapon States, effective arrangements, as appropriate, to assure non-nuclear-weapon States against the use or the threat of use of nuclear weapons could strengthen the security of those States and international peace and security.

33. The establishment of nuclear-weapon-free zones on the basis of agreements or arrangements freely arrived at among the States of the zone concerned and the full compliance with those agreements or arrangements, thus ensuring that the zones are genuinely free from nuclear weapons, and respect for such zones by nuclear-weapon States constitute an important disarmament measure.

34. Disarmament, relaxation of international tension, respect for the right to self-determination and national independence, the peaceful settlement of disputes in accordance with the Charter of the United Nations and the strengthening of international peace and security are directly related to each other. Progress in any of these spheres has a beneficial effect on all of them; in turn, failure in one sphere has negative effects on others.

35. There is also a close relationship between disarmament and development. Progress in the former would help greatly in the realization of the latter. Therefore resources released as a result of the implementation

of disarmament measures should be devoted to the economic and social development of all nations and contribute to the bridging of the economic gap between developed and developing countries.

36. Non-proliferation of nuclear weapons is a matter of universal concern. Measures of disarmament must be consistent with the inalienable right of all States, without discrimination, to develop, acquire and use nuclear technology, equipment and materials for the peaceful use of nuclear energy and to determine their peaceful nuclear programmes in accordance with their national priorities, needs and interests, bearing in mind the need to prevent the proliferation of nuclear weapons. International co-operation in the peaceful uses of nuclear energy should be conducted under agreed and appropriate international safeguards applied on a non-discriminatory basis.

37. Significant progress in disarmament, including nuclear disarmament, would be facilitated by parallel measures to strengthen the security of States and to improve the international situation in general.

38. Negotiations on partial measures of disarmament should be conducted concurrently with negotiations on more comprehensive measures and should be followed by negotiations leading to a treaty on general and complete disarmament under effective international control.

39. Qualitative and quantitative disarmament measures are both important for halting the arms race. Efforts to that end must include negotiations on the limitation and cessation of the qualitative improvement of armaments, especially weapons of mass destruction, and the development of new means of warfare so that ultimately scientific and technological achievements may be used solely for peaceful purposes.

40. Universality of disarmament agreements helps create confidence among States. When multilateral agreements in the field of disarmament are negotiated, every effort should be made to ensure that they are universally acceptable. The full compliance of all parties with the provisions contained in such agreements would also contribute to the attainment of that goal.

41. In order to create favourable conditions for success in the disarmament process, all States should strictly abide by the provisions of the Charter of the United Nations, refrain from actions which might adversely affect efforts in the field of disarmament, and display a constructive approach to negotiations and the political will to reach agreements. There are certain negotiations on disarmament under way at different levels, the early and successful completion of which could contribute to limiting the arms race. Unilateral measures of arms limitation or reduction could also contribute to the attainment of that goal.

42. Since prompt measures should be taken in order to halt and reverse the arms race, Member States hereby declare that they will respect the objectives and principles stated above and make every effort faithfully to carry out the Programme of Action set forth in section III below.

III. PROGRAMME OF ACTION

43. Progress towards the goal of general and complete disarmament can be achieved through the implementation of a programme of action on disarmament, in accordance with the goals and principles established in the Declaration on disarmament. The present Programme of Action contains priorities and measures in the field of disarmament that States should undertake as a matter of urgency with a view to halting and reversing the arms race and to giving the necessary impetus to efforts designed to achieve genuine disarmament leading to general and complete disarmament under effective international control.

44. The present Programme of Action enumerates the specific measures of disarmament which should be implemented over the next few years, as well as other measures and studies to prepare the way for future negotiations and for progress towards general and complete disarmament.

45. Priorities in disarmament negotiations shall be: nuclear weapons; other weapons of mass destruction, including chemical weapons; conventional weapons, including any which may be deemed to be excessively injurious or to have indiscriminate effects; and reduction of armed forces.

46. Nothing should preclude States from conducting negotiations on all priority items concurrently.

47. Nuclear weapons pose the greatest danger to mankind and to the survival of civilization. It is essential to halt and reverse the nuclear arms race in all its aspects in order to avert the danger of war involving nuclear weapons. The ultimate goal in this context is the complete elimination of nuclear weapons.

48. In the task of achieving the goals of nuclear disarmament, all the nuclear-weapon States, in particular those among them which possess the most important nuclear arsenals, bear a special responsibility.

49. The process of nuclear disarmament should be carried out in such a way, and requires measures to ensure, that the security of all States is guaranteed at progressively lower levels of nuclear armaments, taking into account the relative qualitative and quantitative importance of the existing arsenals of the nuclear-weapon States and other States concerned.

50. The achievement of nuclear disarmament will require urgent negotiation of agreements at appropriate stages and with adequate measures of verification satisfactory to the States concerned for:

(a) Cessation of the qualitative improvement and development of nuclear-weapon systems;

(b) Cessation of the production of all types of nuclear weapons and their means of delivery, and of the production of fissionable material for weapons purposes;

(c) A comprehensive, phased programme with agreed time-frames, whenever feasible, for progressive and balanced reduction of stockpiles of nuclear weapons and their means of delivery, leading to their ultimate and complete elimination at the earliest possible time.

Consideration can be given in the course of the negotiations to mutual and agreed limitation or prohibition, without prejudice to the security of any State, of any types of nuclear armaments.

51. The cessation of nuclear-weapon testing by all States within the framework of an effective nuclear disarmament process would be in the interest of mankind. It would make a significant contribution to the above aim of ending the qualitative improvement of nuclear weapons and the development of new types of such weapons and of preventing the proliferation of nuclear weapons. In this context the negotiations now in progress on "a treaty prohibiting nuclear-weapon tests, and a protocol covering nuclear explosion for peaceful purposes, which would be an integral part of the treaty," should be concluded urgently and the result submitted for full consideration by the multilateral negotiating body with a view to the submission of a draft treaty to the General Assembly at the earliest possible date. All efforts should be made by the negotiating parties to achieve an agreement which, following endorsement by the General Assembly, could attract the widest possible adherence. In this context, various views were expressed by non-nuclear-weapon States that, pending the conclusion of this treaty, the world community would be encouraged if all the nuclear-weapon States refrained from testing nuclear weapons. In this connexion, some nuclear-weapon States expressed different views.

52. The Union of Soviet Socialist Republics and the United States of America should conclude at the earliest possible date the agreement they have been pursuing for several years in the second series of the strategic arms limitation talks. They are invited to transmit in good time the text of the agreement to the General Assembly. It should be followed promptly by further strategic arms limitation negotiations between the two parties, leading to agreed significant reductions of, and qualitative limitations on, strategic arms. It should constitute an important step in the direction of nuclear disarmament and, ultimately, of establishment of a world free of such weapons.

53. The process of nuclear disarmament described in the paragraph on this subject should be expedited by the urgent and vigorous pursuit to a successful conclusion of ongoing negotiations and the urgent initiation of further negotiations among the nuclear-weapon States.

54. Significant progress in nuclear disarmament would be facilitated both by parallel political or international legal measures to strengthen the security of States and by progress in the limitation and reduction of armed forces and conventional armaments of the nuclear-weapon States and other States in the regions concerned.

55. Real progress in the field of nuclear disarmament could create an atmosphere conducive to progress in conventional disarmament on a world-wide basis.

56. The most effective guarantee against the danger of nuclear war and the use of nuclear weapons is nuclear disarmament and the complete elimination of nuclear weapons.

57. Pending the achievement of this goal, for which negotiations should be vigorously pursued, and bearing in mind the devastating results which nuclear war would have on belligerents and non-belligerents alike, the nuclear-weapon States have special responsibilities to undertake measures aimed at preventing the outbreak of nuclear war, and of the use of force in international relations, subject to the provisions of the Charter of the United Nations, including the use of nuclear weapons.

58. In this context all States, in particular nuclear-weapon States, should consider as soon as possible various proposals designed to secure the avoidance of the use of nuclear weapons, the prevention of nuclear war and related objectives, where possible through international agreement, and thereby ensure that the survival of mankind is not endangered. All States should actively participate in efforts to bring about conditions in international relations among States in which a code of peaceful conduct of nations in international affairs could be agreed and which would preclude the use or threat of use of nuclear weapons.

59. In the same context, the nuclear-weapon States are called upon to take steps to assure the non-nuclear-weapon States against the use or threat of use of nuclear weapons. The General Assembly notes the declarations made by the nuclear-weapon States and urges them to pursue efforts to conclude, as appropriate, effective arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons.

60. The establishment of nuclear-weapon-free zones on the basis of arrangements freely arrived at among the States of the region concerned constitutes an important disarmament measure.

61. The process of establishing such zones in different parts of the world should be encouraged with the ultimate objective of achieving a world entirely free of nuclear weapons. In the process of establishing such zones, the characteristics of each region should be taken into account. The States participating in such zones

should undertake to comply fully with all the objectives, purposes and principles of the agreements or arrangements establishing the zones, thus ensuring that they are genuinely free from nuclear weapons.

62. With respect to such zones, the nuclear-weapon States in turn are called upon to give undertakings, the modalities of which are to be negotiated with the competent authority of each zone, in particular:

(a) To respect strictly the status of the nuclear-weapon-free zone;

(b) To refrain from the use or threat of use of nuclear weapons against the States of the zone.

63. In the light of existing conditions, and without prejudice to other measures which may be considered in other regions, the following measures are especially desirable:

(a) Adoption by the States concerned of all relevant measures to ensure the full application of the Treaty for the Prohibition of Nuclear Weapons in Latin America (Treaty of Tlatelolco), taking into account the views expressed at the tenth special session on the adherence to it;

(b) Signature and ratification of the Additional Protocols of the Treaty for the Prohibition of Nuclear Weapons in Latin America (Treaty of Tlatelolco) by the States entitled to become parties to those instruments which have not yet done so;

(c) In Africa, where the Organization of African Unity has affirmed a decision for the denuclearization of the region, the Security Council of the United Nations shall take appropriate effective steps whenever necessary to prevent the frustration of this objective.

(d) The serious consideration of the practical and urgent steps, as described in the paragraphs above, required for the implementation of the proposal to establish a nuclear-weapon-free zone in the Middle East, in accordance with the relevant General Assembly resolutions, where all parties directly concerned have expressed their support for the concept and where the danger of nuclear-weapon proliferation exists. The establishment of a nuclear-weapon-free zone in the Middle East would greatly enhance international peace and security. Pending the establishment of such a zone in the region, States of the region should solemnly declare that they will refrain on a reciprocal basis from producing, acquiring or in any other way possessing nuclear weapons and nuclear explosive devices and from permitting the stationing of nuclear weapons on their territory by any third party, and agree to place all their nuclear activities under International Atomic Energy Agency safeguards. Consideration should be given to a Security Council role in advancing the establishment of a nuclear-weapon-free zone in the Middle East:

(e) All States in the region of South Asia have expressed their determination to keep their countries free of nuclear weapons. No action should be taken by them which might deviate from the objective. In this context the question of establishing a nuclear-weapon-free zone in South Asia has been dealt with in several resolutions of the General Assembly, which is keeping the subject under consideration.

64. The establishment of zones of peace in various regions of the world under appropriate conditions, to be clearly defined and determined freely by the States concerned in the zone, taking into account the characteristics of the zone and the principles of the Charter of the United Nations, and in conformity with international law, can contribute to strengthening the security of States within such zones and to international peace and security as a whole. In this regard, the General Assembly notes the proposals for the establishment of zones of peace, *inter alia*, in:

(a) South-East Asia where States in the region have expressed interest in the establishment of such a zone, in conformity with their views;

(b) The Indian Ocean, taking into account the deliberations of the General Assembly and its relevant resolutions and the need to ensure the maintenance of peace and security in the region.

65. It is imperative, as an integral part of the effort to halt and reverse the arms race, to prevent the proliferation of nuclear weapons. The goal of nuclear non-proliferation is on the one hand to prevent the emergence of any additional nuclear-weapon States besides the existing five nuclear-weapon States, and on the other progressively to reduce and eventually eliminate nuclear weapons altogether. This involves obligations and responsibilities on the part of both nuclear-weapon States and non-nuclear-weapon States, the former undertaking to stop the nuclear arms race and to achieve nuclear disarmament by urgent application of the measures outlined in the relevant paragraphs of this Final Document, and all States undertaking to prevent the spread of nuclear weapons.

66. Effective measures can and should be taken at the national level and through international agreements to minimize the danger of the proliferation of nuclear weapons without jeopardizing energy supplies or the development of nuclear energy for peaceful purposes. Therefore, the nuclear-weapon States and the non-nuclear-weapon States should jointly take further steps to develop an international consensus of ways and means, on a universal and non-discriminatory basis, to prevent the proliferation of nuclear weapons.

67. Full implementation of all the provisions of existing instruments on non-proliferation, such as the Treaty on the Non-Proliferation of Nuclear Weapons and/or the Treaty for the Prohibition of Nuclear Weapons in

Latin America (Treaty of Tlatelolco) by States parties to those instruments will be an important contribution to this end. Adherence to such instruments has increased in recent years and the hope has been expressed by the parties that this trend might continue.

68. Non-proliferation measures should not jeopardize the full exercise of the inalienable rights of all States to apply and develop their programmes for the peaceful uses of nuclear energy for economic and social development in conformity with their priorities, interests and needs. All States should also have access to and be free to acquire technology, equipment and materials for peaceful uses of nuclear energy, taking into account the particular needs of the developing countries. International co-operation in this field should be under agreed and appropriate international safeguards applied through the International Atomic Energy Agency on a non-discriminatory basis in order to prevent effectively the proliferation of nuclear weapons.

69. Each country's choices and decisions in the field of the peaceful uses of nuclear energy should be respected without jeopardizing their respective fuel cycle policies or international co-operation, agreements and contracts for the peaceful uses of nuclear energy, provided that the agreed safeguard measures mentioned above are applied.

70. In accordance with the principles and provisions of General Assembly resolution 32/50 of 8 December 1977, international co-operation for the promotion of the transfer and utilization of nuclear technology for economic and social development, especially in the developing countries, should be strengthened.

71. Efforts should be made to conclude the work of the International Nuclear Fuel Cycle Evaluation strictly in accordance with the objectives set out in the final communiqué of its Organizing Conference.

72. All States should adhere to the Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare, signed at Geneva on 17 June 1925.

73. All States which have not yet done so should consider adhering to the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction.

74. States should also consider the possibility of adhering to multilateral agreements concluded so far in the disarmament field which are mentioned below in this section.

75. The complete and effective prohibition of the development, production and stockpiling of all chemical weapons and their destruction represents one of the most urgent measures of disarmament. Consequently, the conclusion of a convention to this end, on which negotiations have been going on for several years, is one of the most urgent tasks of multilateral negotiations. After its conclusion, all States should contribute to ensuring the broadest possible application of the convention through its early signature and ratification.

76. A convention should be concluded prohibiting the development, production, stockpiling and use of radiological weapons.

77. In order to help prevent a qualitative arms race and so that scientific and technological achievements may ultimately be used solely for peaceful purposes, effective measures should be taken to avoid the danger and prevent the emergence of new types of weapons of mass destruction based on new scientific principles and achievements. Efforts should be appropriately pursued aiming at the prohibition of such new types and new systems of weapons of mass destruction. Specific agreements could be concluded on particular types of new weapons of mass destruction which may be identified. This question should be kept under continuing review.

78. The Committee on Disarmament should keep under review the need for a further prohibition of military or any other hostile use of environmental modification techniques in order to eliminate the dangers to mankind from such use.

79. In order to promote the peaceful use of and to avoid an arms race on the sea-bed and the ocean floor and the subsoil thereof, the Committee on Disarmament is requested—in consultation with the States 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 Thereof, and taking into account the proposals made during the 1977 Review Conference of the parties to that Treaty and any relevant technological developments—to proceed promptly with the consideration of further measures in the field of disarmament for the prevention of an arms race in that environment.

80. In order to prevent an arms race in outer space, further measures should be taken and appropriate international negotiations held in accordance with the spirit 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.

81. Together with negotiations on nuclear disarmament measures, the limitation and gradual reduction of armed forces and conventional weapons should be resolutely pursued within the framework of progress towards general and complete disarmament. States with the largest military arsenals have a special responsibility in pursuing the process of conventional armaments reductions.

82. In particular the achievement of a more stable situation in Europe at a lower level of military potential

on the basis of approximate equality and parity, as well as on the basis of undiminished security of all States with full respect for security interests and independence of States outside military alliances, by agreement on appropriate mutual reductions and limitations would contribute to the strengthening of security in Europe and constitute a significant step towards enhancing international peace and security. Current efforts to this end should be continued most energetically.

83. Agreements or other measures should be resolutely pursued on a bilateral, regional and multilateral basis with the aim of strengthening peace and security at a lower level of forces, by the limitation and reduction of armed forces and of conventional weapons, taking into account the need of States to protect their security, bearing in mind the inherent right of self-defence embodied in the Charter of the United Nations and without prejudice to the principle of equal rights and self-determination of peoples in accordance with the Charter, and the need to ensure balance at each stage and undiminished security of all States. Such measures might include those in the following two paragraphs.

84. Bilateral, regional and multilateral consultations and conferences should be held where appropriate conditions exist with the participation of all the countries concerned for the consideration of different aspects of conventional disarmament, such as the initiative envisaged in the Declaration of Ayacucho subscribed to by eight Latin American countries on 9 December 1974.

85. Consultations should be carried out among major arms supplier and recipient countries on the limitation of all types of international transfer of conventional weapons, based in particular on the principle of undiminished security of the parties with a view to promoting or enhancing stability at a lower military level, taking into account the need of all States to protect their security as well as the inalienable right to self-determination and independence of peoples under colonial or foreign domination and the obligations of States to respect that right, in accordance with the Charter of the United Nations and the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States.

86. The United Nations Conference on Prohibitions or Restrictions of Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects, to be held in 1979, should seek agreement, in the light of humanitarian and military considerations, on the prohibition or restriction of use of certain conventional weapons including those which may cause unnecessary suffering or have indiscriminate effects. The Conference should consider specific categories of such weapons, including those which were the subject-matter of previously conducted discussions.

87. All States are called upon to contribute towards carrying out this task.

88. The result of the Conference should be considered by all States, especially producer States, in regard to the question of the transfer of such weapons to other States.

89. Gradual reduction of military budgets on a mutually agreed basis, for example, in absolute figures or in terms of percentage points, particularly by nuclear-weapon States and other militarily significant States, would be a measure that would contribute to the curbing of the arms race and would increase the possibilities of reallocation of resources now being used for military purposes to economic and social development, particularly for the benefit of the developing countries. The basis for implementing this measure will have to be agreed by all participating States and will require ways and means of its implementation acceptable to all of them, taking account of the problems involved in assessing the relative significance of reductions as among different States and with due regard to the proposals of States on all the aspects of reduction of military budgets.

90. The General Assembly should continue to consider what concrete steps should be taken to facilitate the reduction of military budgets, bearing in mind the relevant proposals and documents of the United Nations on this question.

91. In order to facilitate the conclusion and effective implementation of disarmament agreements and to create confidence, States should accept appropriate provisions for verification in such agreements.

92. In the context of international disarmament negotiations, the problem of verification should be further examined and adequate methods and procedures in this field be considered. Every effort should be made to develop appropriate methods and procedures which are non-discriminatory and which do not unduly interfere with the internal affairs of other States or jeopardize their economic and social development.

93. In order to facilitate the process of disarmament, it is necessary to take measures and pursue policies to strengthen international peace and security and to build confidence among States. Commitment to confidence-building measures could significantly contribute to preparing for further progress in disarmament. For this purpose, measures such as the following, and other measures yet to be agreed upon, should be undertaken:

(a) The prevention of attacks which take place by accident, miscalculation or communications failure by taking steps to improve communications between Governments, particularly in areas of tension, by the establishment of "hot lines" and other methods of reducing the risk of conflict;

(b) States should assess the possible implications of their military research and development for existing agreements as well as for further efforts in the field of disarmament;

(c) The Secretary-General shall periodically submit reports to the General Assembly on the economic and social consequences of the armaments race and its extremely harmful effects on world peace and security.

94. In view of the relationship between expenditure on armaments and economic and social development and the necessity to release real resources now being used for military purposes to economic and social development in the world, particularly for the benefit of the developing countries, the Secretary-General should, with the assistance of a group of qualified governmental experts appointed by him, initiate an expert study on the relationship between disarmament and development. The Secretary-General should submit an interim report on the subject to the General Assembly at its thirty-fourth session and submit the final results to the Assembly at its thirty-sixth session for subsequent action.

95. The expert study should have the terms of reference contained in the report of the *Ad Hoc* Group on the Relationship between Disarmament and Development appointed by the Secretary-General in accordance with General Assembly resolution 32/88 A of 12 December 1977. It should investigate the three main areas listed in the report, bearing in mind the United Nations studies previously carried out. The study should be made in the context of how disarmament can contribute to the establishment of the new international economic order. The study should be forward-looking and policy-oriented and place special emphasis on both the desirability of a reallocation, following disarmament measures, of resources now being used for military purposes to economic and social development, particularly for the benefit of the developing countries, and the substantive feasibility of such a reallocation. A principal aim should be to produce results that could effectively guide the formulation of practical measures to reallocate those resources at the local, national, regional and international levels.

96. Taking further steps in the field of disarmament and other measures aimed at promoting international peace and security would be facilitated by carrying out studies by the Secretary-General in this field with appropriate assistance from governmental or consultant experts.

97. The Secretary-General shall, with the assistance of consultant experts appointed by him, continue the study of the interrelationship between disarmament and international security requested in Assembly resolution 32/87 C of 12 December 1977 and submit it to the thirty-fourth session of the General Assembly.

98. At its thirty-third and subsequent sessions the General Assembly should determine the specific guidelines for carrying out studies, taking into account the proposals already submitted including those made by individual countries at the special session, as well as other proposals which can be introduced later in this field. In doing so, the Assembly would take into consideration a report on these matters prepared by the Secretary-General.

99. In order to mobilize world public opinion on behalf of disarmament, the specific measures set forth below, designed to increase the dissemination of information about the armaments race and the efforts to halt and reverse it, should be adopted.

100. Governmental and non-governmental information organs and those of the United Nations and its specialized agencies should give priority to the preparation and distribution of printed and audio-visual material relating to the danger represented by the armaments race as well as to the disarmament efforts and negotiations on specific disarmament measures.

101. In particular, publicity should be given to the Final Document of the tenth special session.

102. The General Assembly proclaims the week starting 24 October, the day of the foundation of the United Nations, as a week devoted to fostering the objectives of disarmament.

103. To encourage study and research on disarmament, the United Nations Centre for Disarmament should intensify its activities in the presentation of information concerning the armaments race and disarmament. Also, the United Nations Educational, Scientific and Cultural Organization is urged to intensify its activities aimed at facilitating research and publications on disarmament, related to its fields of competence, especially in developing countries, and should disseminate the results of such research.

104. Throughout this process of disseminating information about developments in the disarmament field of all countries, there should be increased participation by non-governmental organizations concerned with the matter, through closer liaison between them and the United Nations.

105. Member States should be encouraged to ensure a better flow of information with regard to the various aspects of disarmament to avoid dissemination of false and tendentious information concerning armaments, and to concentrate on the danger of escalation of the armaments race and on the need for general and complete disarmament under effective international control.

106. With a view to contributing to a greater understanding and awareness of the problems created by the armaments race and of the need for disarmament, Governments and governmental and non-governmental inter-

national organizations are urged to take steps to develop programmes of education for disarmament and peace studies at all levels.

107. The General Assembly welcomes the initiative of the United Nations Educational, Scientific and Cultural Organization in planning to hold a world congress on disarmament education and, in this connexion, urges that organization to step up its programme aimed at the development of disarmament education as a distinct field of study through the preparation, *inter alia*, of teachers' guides, textbooks, readers and audio-visual materials. Member States should take all possible measures to encourage the incorporation of such materials in the curricula of their educational institutes.

108. In order to promote expertise in disarmament in more Member States, particularly in the developing countries, the General Assembly decides to establish a programme of fellowships on disarmament. The Secretary-General, taking into account the proposal submitted to the special session, should prepare guidelines for the programme. He should also submit the financial requirements of twenty fellowships to the General Assembly at its thirty-third session for inclusion in the regular budget of the United Nations, bearing in mind the savings that can be made within the existing budgetary appropriations.

109. Implementation of these priorities should lead to general and complete disarmament under effective international control, which remains the ultimate goal of all efforts exerted in the field of disarmament. Negotiations on general and complete disarmament shall be conducted concurrently with negotiations on partial measures of disarmament. With this purpose in mind, the Committee on Disarmament will undertake the elaboration of a comprehensive programme of disarmament encompassing all measures thought to be advisable in order to ensure that the goal of general and complete disarmament under effective international control becomes a reality in a world in which international peace and security prevail and in which the new international economic order is strengthened and consolidated. The comprehensive programme should contain appropriate procedures for ensuring that the General Assembly is kept fully informed of the progress of the negotiations including an appraisal of the situation when appropriate and, in particular, a continuing review of the implementation of the programme.

110. Progress in disarmament should be accompanied by measures to strengthen institutions for maintaining peace and the settlement of international disputes by peaceful means. During and after the implementation of the programme of general and complete disarmament, there should be taken, in accordance with the principles of the Charter of the United Nations, the necessary measures to maintain international peace and security, including the obligation of States to place at the disposal of the United Nations agreed manpower necessary for an international peace force to be equipped with agreed types of armaments. Arrangements for the use of this force should ensure that the United Nations can effectively deter or suppress any threat or use of arms in violation of the purposes and principles of the United Nations.

111. General and complete disarmament under strict and effective international control shall permit States to have at their disposal only those non-nuclear forces, armaments, facilities and establishments as are agreed to be necessary to maintain internal order and protect the personal security of citizens and in order that States shall support and provide agreed manpower for a United Nations peace force.

112. In addition to the several questions dealt with in this Programme of Action, there are a few others of fundamental importance, on which, because of the complexity of the issues involved and the short time at the disposal of the special session, it has proved impossible to reach satisfactory agreed conclusions. For those reasons they are treated only in very general terms and, in a few instances, not even treated at all in the Programme. It should be stressed, however, that a number of concrete approaches to deal with such questions emerged from the exchange of views carried out in the General Assembly which will undoubtedly facilitate the continuation of the study and negotiation of the problems involved in the competent disarmament organs.

IV. MACHINERY

113. While disarmament, particularly in the nuclear field, has become a necessity for the survival of mankind and for the elimination of the danger of nuclear war, little progress has been made since the end of the Second World War. In addition to the need to exercise political will, the international machinery should be utilized more effectively and also improved to enable implementation of the Programme of Action and help the United Nations to fulfil its role in the field of disarmament. In spite of the best efforts of the international community, adequate results have not been produced with the existing machinery. There is, therefore, an urgent need that existing disarmament machinery be revitalized and forums appropriately constituted for disarmament deliberations and negotiations with a better representative character. For maximum effectiveness, two kinds of bodies are required in the field of disarmament—deliberative and negotiating. All Member States should be represented on the former, whereas the latter, for the sake of convenience, should have a relatively small membership.

114. The United Nations, in accordance with the Charter, has a central role and primary responsibility in the sphere of disarmament. Accordingly, it should play a more active role in this field and, in order to discharge its functions effectively, the United Nations should facilitate and encourage all disarmament measures—

unilateral, bilateral, regional or multilateral—and be kept duly informed through the General Assembly, or any other appropriate United Nations channel reaching all Members of the Organization, of all disarmament efforts outside its aegis without prejudice to the progress of negotiations.

115. The General Assembly has been and should remain the main deliberative organ of the United Nations in the field of disarmament and should make every effort to facilitate the implementation of disarmament measures. An item entitled "Review of the implementation of the recommendations and decisions adopted by the General Assembly at its tenth special session" shall be included in the provisional agenda of the thirty-third and subsequent sessions of the General Assembly.

116. Draft multilateral disarmament conventions should be subjected to the normal procedures applicable in the law of treaties. Those submitted to the General Assembly for its commendation should be subject to full review by the Assembly.

117. The First Committee of the General Assembly should deal in the future only with questions of disarmament and related international security questions.

118. The General Assembly establishes, as successor to the Commission originally established by resolution 502 (VI) of 11 January 1952, a Disarmament Commission, composed of all States Members of the United Nations, and decides that:

(a) The Disarmament Commission shall be a deliberative body, a subsidiary organ of the General Assembly, the function of which shall be to consider and make recommendations on various problems in the field of disarmament and to follow up the relevant decisions and recommendations of the special session devoted to disarmament. The Disarmament Commission should, *inter alia*, consider the elements of a comprehensive programme for disarmament to be submitted as recommendations to the General Assembly and, through it, to the negotiating body, the Committee on Disarmament;

(b) The Disarmament Commission shall function under the rules of procedure relating to the committees of the General Assembly with such modifications as the Commission may deem necessary and shall make every effort to ensure that, in so far as possible, decisions on substantive issues be adopted by consensus;

(c) The Disarmament Commission shall report annually to the General Assembly and will submit for consideration by the Assembly at its thirty-third session a report on organizational matters; in 1979, the Disarmament Commission will meet for a period not exceeding four weeks, the dates to be decided at the thirty-third session of the Assembly;

(d) The Secretary-General shall furnish such experts, staff and services as are necessary for the effective accomplishment of the Commission's functions.

119. A second special session of the General Assembly devoted to disarmament should be held on a date to be decided by the Assembly at its thirty-third session.

120. The General Assembly is conscious of the work that has been done by the international negotiating body that has been meeting since 14 March 1962 as well as the considerable and urgent work that remains to be accomplished in the field of disarmament. The Assembly is deeply aware of the continuing requirement for a single multilateral disarmament negotiating forum of limited size taking decisions on the basis of consensus. It attaches great importance to the participation of all the nuclear-weapon States in an appropriately constituted negotiating body, the Committee on Disarmament. The Assembly welcomes the agreement reached following appropriate consultations among the Member States during the special session of the General Assembly devoted to disarmament, that the Committee on Disarmament will be open to the nuclear-weapon States, and thirty-two to thirty-five other States to be chosen in consultation with the President of the thirty-second session of the Assembly; that the membership of the Committee on Disarmament will be reviewed at regular intervals; that the Committee on Disarmament will be convened in Geneva not later than January 1979 by the country whose name appears first in the alphabetical list of membership; and that the Committee on Disarmament will:

(a) Conduct its work by consensus;

(b) Adopt its own rules of procedure;

(c) Request the Secretary-General of the United Nations, following consultations with the Committee on Disarmament, to appoint the Secretary of the Committee, who shall also act as his personal representative, to assist the Committee and its Chairman in organizing the business and time-tables of the Committee;

(d) Rotate the chairmanship of the Committee among all its members on a monthly basis;

(e) Adopt its own agenda taking into account the recommendations made to it by the General Assembly and the proposals presented by the members of the Committee;

(f) Submit a report to the General Assembly annually, or more frequently as appropriate, and provide its formal and other relevant documents to the States Members of the United Nations on a regular basis;

(g) Make arrangements for interested States, not members of the Committee, to submit to the Committee written proposals or working documents on measures of disarmament that are the subject of negotiation in the

Committee and to participate in the discussion of the subject-matter of such proposals or working documents;

(h) Invite States not members of the Committee, upon their request, to express views in the Committee when the particular concerns of those States are under discussion;

(i) Open its plenary meetings to the public unless otherwise decided.

121. Bilateral and regional disarmament negotiations may also play an important role and could facilitate negotiations of multilateral agreements in the field of disarmament.

122. At the earliest appropriate time, a world disarmament conference should be convened with universal participation and with adequate preparation.

123. In order to enable the United Nations to continue to fulfil its role in the field of disarmament and to carry out the additional tasks assigned to it by this special session, the United Nations Centre for Disarmament should be adequately strengthened and its research and information functions accordingly extended. The Centre should also take account fully of the possibilities offered by specialized agencies and other institutions and programmes within the United Nations system with regard to studies and information on disarmament. The Centre should also increase contacts with non-governmental organizations and research institutions in view of the valuable role they play in the field of disarmament. This role could be encouraged also in other ways that may be considered as appropriate.

124. The Secretary-General is requested to set up an advisory board of eminent persons, selected on the basis of their personal expertise and taking into account the principle of equitable geographical representation, to advise him on various aspects of studies to be made under the auspices of the United Nations in the field of disarmament and arms limitation, including a programme of such studies.

* * *

125. The General Assembly notes with satisfaction that the active participation of the Member States in the consideration of the agenda items of the special session and the proposals and suggestions submitted by them and reflected to a considerable extent in the Final Document have made a valuable contribution to the work of the special session and to its positive conclusion. Since a number of those proposals and suggestions, which have become an integral part of the work of the special session of the General Assembly, deserve to be studied further and more thoroughly, taking into consideration the many relevant comments and observations made in both the general debate in plenary meeting and the deliberations of the *Ad Hoc* Committee of the Tenth Special Session, the Secretary-General is requested to transmit, together with this Final Document, to the appropriate deliberative and negotiating organs dealing with the questions of disarmament all the official records of the special session devoted to disarmament, in accordance with the recommendations which the Assembly may adopt at its thirty-third session. Some of the proposals put forth for the consideration of the special session are listed below:

(a) Text of the decision of the Central Committee of the Romanian Communist Party concerning Romania's position on disarmament and, in particular, on nuclear disarmament, adopted on 9 May 1978;

(b) Views of the Swiss Government on problems to be discussed at the tenth special session of the General Assembly;

(c) Proposals of the Union of Soviet Socialist Republics on practical measures for ending the arms race;

(d) Memorandum from France concerning the establishment of an International Satellite Monitoring Agency;

(e) Memorandum from France concerning the establishment of an International Institute for Research on Disarmament;

(f) Proposal by Sri Lanka for the establishment of a World Disarmament Authority;

(g) Working paper submitted by the Federal Republic of Germany entitled "Contribution to the seismological verification of a comprehensive test ban";

(h) Working paper submitted by the Federal Republic of Germany entitled "Invitation to attend an international chemical-weapon verification workshop in the Federal Republic of Germany";

(i) Working paper submitted by China on disarmament;

(j) Working paper submitted by the Federal Republic of Germany concerning zones of confidence-building measures as a first step towards the preparation of a world-wide convention on confidence-building measures;

(k) Proposal by Ireland for a study of the possibility of establishing a system of incentives to promote arms control and disarmament;

(l) Working paper submitted by Romania concerning a synthesis of the proposals in the field of disarmament;

(m) Proposal by the United States of America on the establishment of a United Nations Peace-keeping Reserve and on confidence-building measures and stabilizing measures in various regions including notification of manoeuvres, invitation of observers to manoeuvres, and United Nations machinery to study and promote such measures;

(n) Proposal by Uruguay on the possibility of establishing a polemological agency;

(o) Proposal by Belgium, Canada, Denmark, Germany, Federal Republic of, Ireland, Italy, Japan, Luxembourg, the Netherlands, New Zealand, Norway, Sweden, the United Kingdom of Great Britain and Northern Ireland and the United States of America on the strengthening of the security role of the United Nations in the peaceful settlement of disputes and peace-keeping;

(p) Memorandum from France concerning the establishment of an International Disarmament Fund for Development;

(q) Proposal by Norway entitled "Evaluation of the impact of new weapons on arms control and disarmament efforts";

(r) Note verbale transmitting the text, signed in Washington on 22 June 1978 by the Ministers for Foreign Affairs of Argentina, Bolivia, Chile, Colombia, Ecuador, Panama, Peru and Venezuela, reaffirming the principles of the Declaration of Ayacucho with respect to the limitation of conventional weapons;

(s) Memorandum from Liberia entitled "Declaration of a new philosophy on disarmament";

(t) Statements made by the representatives of China, on 22 June 1978, on the draft Final Document of the tenth special session;

(u) Proposal by the President of Cyprus for the total demilitarization and disarmament of the Republic of Cyprus and the implementation of the resolutions of the United Nations;

(v) Proposal by Costa Rica on economic and social incentives to halt the arms race;

(w) Amendments submitted by China to the draft Final Document of the tenth special session;

(x) Proposals by Canada for the implementation of a strategy of suffocation of the nuclear arms race;

(y) Draft resolution submitted by Cyprus, Ethiopia and India on the urgent need for cessation of further testing of nuclear weapons;

(z) Draft resolution submitted by Ethiopia and India on the non-use of nuclear weapons and prevention of nuclear war;

(aa) Proposal by the non-aligned countries on the establishment of a zone of peace in the Mediterranean;

(bb) Proposal by the Government of Senegal for a tax on military budgets;

(cc) Proposal by Austria for the transmission to Member States of working paper E/AC.187/109 and the ascertainment of their views on the subject of verification;

(dd) Proposal by the non-aligned countries for the dismantling of foreign military bases in foreign territories and withdrawal of foreign troops from foreign territories;

(ee) Proposal by Mexico for the opening, on a provisional basis, of an *ad hoc* account in the United Nations Development Programme to use for development the funds which may be released as a result of disarmament measures;

(ff) Proposal by Italy on the role of the Security Council in the field of disarmament in accordance with Article 26 of the Charter of the United Nations;

(gg) Proposal by the Netherlands for a study on the establishment of an international disarmament organization.

126. In adopting this Final Document, the States Members of the United Nations solemnly reaffirm their determination to work for general and complete disarmament and to make further collective efforts aimed at strengthening peace and international security; eliminating the threat of war, particularly nuclear war; implementing practical measures aimed at halting and reversing the arms race; strengthening the procedures for the peaceful settlement of disputes; and reducing military expenditures and utilizing the resources thus released in a manner which will help to promote the well-being of all peoples and to improve the economic conditions of the developing countries.

127. The General Assembly expresses its satisfaction that the proposals submitted to its special session devoted to disarmament and the deliberations thereon have made it possible to reaffirm and define in this Final Document fundamental principles, goals, priorities and procedures for the implementation of the above purposes, either in the Declaration or the Programme of Action or in both. The Assembly also welcomes the important decisions agreed upon regarding the deliberative and negotiating machinery and is confident that these organs will discharge their functions in an effective manner.

128. Finally, it should be borne in mind that the number of States that participated in the general debate, as well as the high level of representation and the depth and scope of that debate, are unprecedented in the history

of disarmament efforts. Several Heads of State or Government addressed the General Assembly. In addition, other Heads of State or Government sent messages and expressed their good wishes for the success of the special session of the Assembly. Several high officials of specialized agencies and other institutions and programmes within the United Nations system and spokesmen of twenty-five non-governmental organizations and six research institutes also made valuable contributions to the proceedings of the session. It must be emphasized, moreover, that the special session marks not the end but rather the beginning of a new phase of the efforts of the United Nations in the field of disarmament.

129. The General Assembly is convinced that the discussions of the disarmament problems at the special session and its Final Document will attract the attention of all peoples, further mobilize world public opinion and provide a powerful impetus for the cause of disarmament.

(3) *Follow-up of the special session of the General Assembly devoted to disarmament*

Adequate continuation of the work of the session is ensured by the Final Document which provides for a follow-up system resting upon three basic documents: the first deals with machinery for elaboration of specific measures outlined in the Programme of Action, the second with means to supplement the Programme with additional proposals and initiatives and the third provides for Member States to observe and influence the process of implementation.

(i) Consideration by the CCD

The fact that the summer session was the last session of the Conference of the Committee on Disarmament, and the functioning of the Committee on Disarmament was to begin early in 1979, influenced its work following the special session. In view of the relatively short time at its disposal, and the several issues on its agenda which were still awaiting solution, the Committee was not able to complete the work on the subjects under consideration or to initiate work on proposals or measures emanating from the Final Document.⁵ Member States did however make general statements reiterating their views on disarmament problems in general as well as on specific measures recalling, in particular, various proposals which they had put forward to promote solution of outstanding problems in the field of disarmament.⁶

(ii) Consideration by the General Assembly

In the General Assembly, consideration of the matter of follow-up to the special session was conducted under the item "Review of the implementation of the recommendations and decisions adopted by the General Assembly at its tenth special session", included in the agenda of the thirty-third regular session in pursuance of the provisions of the Final Document. The discussions took place both in the general debate and during the consideration of specific proposals emanating from the proceedings of the special session.⁷

Fourteen draft resolutions were submitted in the First Committee, all of which were later adopted by the General Assembly as resolutions 33/71 A to 33/71 N. Six of them (resolutions 33/71 B, 33/71 C, 33/71 E, 33/71 G, 33/71 I and 33/71 M) shall be reviewed in other sections of the present summary, as will also parts II and III of resolution 33/71 H.

Resolution 33/71 A, on the matter of military and nuclear collaboration with Israel, was one of those deferred from the special session. After considerable discussion in the plenary of the Assembly, it was decided by a recorded vote of 70 to 38, with 26 abstentions, that a two-thirds majority was not required. The draft resolution was then adopted by a recorded vote of 72 to 30 with 37 abstentions. The resolution *inter alia* requested the Security Council, in particular, to call upon all States, under Chapter VII of the Charter and irrespective of any existing contracts, to refrain from any supply of arms to Israel and to end all transfer of nuclear equipment or fissionable material or technology to Israel.

⁵ See para. 120 of the Final Document reproduced above.

⁶ See *Official Records of the General Assembly, Thirty-third Session, Supplement No. 27 (A/33/27)*, vol. I, particularly paras. 276-293.

⁷ *Ibid.*, *Thirty-third Session, Plenary Meetings*, particularly 6th to 34th and 84th meetings; *ibid.*, *Thirty-third Session, First Committee*, 4th to 19th and 29th to 53rd meetings, and *ibid.*, *First Committee, Sessional Fascicle*, corrigendum.

Resolution 33/71 D, which was adopted by consensus *inter alia* invited States to carry out effective measures to expose the danger of the arms race and increase public understanding of the urgent tasks in the field of disarmament.

Resolution 33/71 F, also adopted by consensus, *inter alia* urgently called upon all States, in particular the nuclear-weapon States, to make every effort to proceed along the road of binding and effective international agreements in the field of disarmament, in order to translate into practical terms the measures called for in the Programme of Action.

Resolution 33/71 H was adopted by a recorded vote of 129 to none, with 13 abstentions. In its part I it *inter alia* called upon the nuclear-weapon States involved in the negotiations on the conclusion of a treaty on the prohibition of all nuclear weapon tests to submit to the Committee on Disarmament a draft treaty at the beginning of its 1979 session, called upon the Soviet Union and the United States to speed up their negotiations on the second series of the strategic arms limitation talks and urged all nuclear-weapon States to proceed to consultations regarding an early initiation of urgent negotiations on the halting of the nuclear arms race and on a progressive and balanced reduction of stockpiles of nuclear weapons and their means of delivery. Under part III of the resolution the Assembly decided to convene a second special session of the General Assembly devoted to disarmament in 1982 at United Nations Headquarters in New York.

Resolution 33/71 J, adopted by a recorded vote of 121 to none, with 18 abstentions, dealt with the proposal to establish an international satellite monitoring agency and requested the preparation of a study on this question. Resolution 33/71 K, which was adopted by consensus, related to the proposal for the establishment, under the auspices of the United Nations, of an international institute for disarmament research.

Resolutions 33/71 L and M, which were also adopted by consensus, respectively called for the transmission to the organs dealing with the question of disarmament of the proposals and suggestions listed in paragraph 125 of the Final Document and for the formulation into a new philosophy on disarmament of the new ideas, proposals and strategies set forth at the special session.

(b) Other comprehensive approaches to disarmament

(1) *Consideration of general and complete disarmament*

(i) Tenth special session of the General Assembly

General and complete disarmament under effective international control was referred to repeatedly during the special session in one context or another as the essential goal to strive towards.⁸ The concept of general and complete disarmament as the desired goal and the difficulty of its attainment are both reflected in the Final Document, particularly in paragraphs 41 to 45, 83, 93 and 111 thereof.

(ii) Consideration by the CCD

Most States represented in the principal disarmament negotiating body in 1978 continued to refer to general and complete disarmament as the final goal of their efforts. The Committee, in accordance with a decision it had taken in 1977 established an *ad hoc* Working Group early in the session to deal with the elaboration of the comprehensive programme of disarmament called for in connexion with the Disarmament Decade. At the conclusion of its spring session, the *Ad Hoc* Working Group on a comprehensive disarmament programme submitted a report⁹ to the Committee.

Following the special session on disarmament, the *Ad Hoc* Working Group was not reconvened since the General Assembly had recommended that the Disarmament Commission should consider the elements of a comprehensive programme of disarmament to be submitted as recommendations to the General Assembly and, through it, to the Committee on Disarmament.

⁸ See *Official Records of the General Assembly, Tenth Special Session, Plenary Meetings*, 1st to 25th and 27th meetings; *ibid.*, *Ad Hoc Committee of the Tenth Special Session*, 3rd to 16th meetings and *ibid.*, *Ad Hoc Committee of the Tenth Special Session, Sessional Fascicle*, corrigendum.

⁹ *Official Records of the General Assembly, Thirty-third Session, Supplement No. 2* (A/33/27), vol. II, document CCD/571.

(iii) The Disarmament Commission¹⁰

As indicated above, the Disarmament Commission is *inter alia* to consider the elements of a comprehensive programme for disarmament. It held its first meetings, of an essentially organizational nature, from 9 to 13 October 1978 and submitted a report to the General Assembly.¹¹

(iv) Consideration by the General Assembly at its thirty-third session

The General Assembly adopted nine resolutions under the agenda item "General and complete disarmament".

Those resolutions relating to strategic arms limitation talks (resolution 33/91 C), the carrying out of a study on nuclear weapons (resolution 33/91 D), the carrying out of a study on regional disarmament (resolution 33/91 E), the question of the non-stationing of nuclear weapons on the territories of States where there are no such weapons at present (resolution 33/91 F), the prohibition of the production of fissionable material for weapons purposes (resolution 33/91 H) and the relationship between disarmament and international security (resolution 33/91 I) will be reviewed under the relevant sections of this summary.

As to the remaining four resolutions, they related respectively to the continuation of the work of the Disarmament Commission in accordance with its mandate as set down in paragraph 118 of the Final Document of the Tenth Special Session (resolution 33/91 A¹²), the consideration by all States on a regional basis of arrangements for specific confidence building measures, taking into account the specific conditions and requirements of each region (resolution 33/91 B¹³) and the participation of States in the work of the Committee on Disarmament (resolution 33/91 G¹⁴).

In relation to the question of general and complete disarmament the General Assembly also adopted resolution 33/71 H, parts I and III of which have been reviewed above: part II of the resolution recommended the inclusion in the agenda of the Disarmament Commission of two questions related to disarmament, namely consideration of various aspects of the arms race and harmonization of views on steps regarding a reduction of military budgets and part IV requested the Committee on Disarmament to undertake on a priority basis negotiations concerning a treaty on the complete prohibition of nuclear-weapon tests and a treaty on the complete prohibition of the development, production and stockpiling of all types of chemical weapons and on their destruction.

Finally, mention should be made of resolution 33/75¹⁵ which dealt in fact with the question of the dismantling of foreign military bases and comes as such under the topic of general and complete disarmament.

(2) *Disarmament decade*

In 1979, considerable disappointment was expressed during the tenth special session¹⁶ and the thirty-third session¹⁷ of the General Assembly as well as in the CCD¹⁸ concerning lack of results in fulfilment of the purposes and objectives of the Disarmament Decade, both in the area of channel-

¹⁰ The General Assembly, in its resolution 502 (VI), created the United Nations Disarmament Commission under the Security Council. Its membership, which originally embraced that of the Atomic Energy Commission and the Commission for Conventional Armaments (i.e. the members of the Security Council and Canada), was expanded by an additional 14 States in 1957 (General Assembly resolution 1150 (XII)). In 1958, the General Assembly decided (resolution 1252 D (XIII)) that the Commission should, for 1959 and on *ad hoc* basis, be composed of all States Members of the United Nations. Since the universalization of its membership, however, the Commission met only twice in 1960 and in 1965. The new Disarmament Commission, composed of all Members of the United Nations, was established as a successor to the original body in accordance with paragraph 118 of the Final Document of the tenth special session.

¹¹ *Official Records of the General Assembly, Thirty-third Session, Supplement No. 42 (A/33/42).*

¹² Adopted by consensus.

¹³ Adopted by a recorded vote of 132 to none, with 2 abstentions.

¹⁴ Adopted by a vote of 106 to 9, with one abstention.

¹⁵ Adopted by a vote of 114 to 2, with 19 abstentions.

¹⁶ See *Official Records of the General Assembly, Tenth Special Session, Plenary Meetings*, 1st to 25th and 27th meetings; *ibid.*, *Tenth Special Session, Ad Hoc Committee of the Tenth Special Session*, 3rd to 16th meetings and *ibid.*, *Ad Hoc Committee of the Tenth Special Session, Sessional Fascicle*, corrigendum.

¹⁷ *Ibid.*, *Thirty-third Session, Plenary Meetings*, 6th to 34th and 84th meetings; *ibid.*, *Thirty-third Session, First Committee*, 4th to 50th and 54th meetings and *ibid.*, *First Committee, Sessional Fascicle*, corrigendum.

¹⁸ *Ibid.*, *Supplement No. 27 (A/33/27)*, particularly vol. I, paras. 251-275.

ling resources freed by disarmament measures to promote economic development of developing countries and that of the elaboration of a comprehensive programme dealing with all aspects of the disarmament problem. In its resolution 33/62, which was adopted by consensus, the General Assembly *inter alia* expressed concern at this lack of results and noted with satisfaction the convening of the Group of Governmental Experts on the Relationship between Disarmament and Development.

(3) *World Disarmament Conference*

In 1978, the question of a world disarmament conference was considered largely in connexion with the preparations for the special session of the General Assembly and its results. In the Preparatory Committee for the Special Session of the General Assembly¹⁹ and in the *Ad Hoc* Committee on the World Disarmament Conference²⁰ as well as during the tenth special session²¹ and thirty-third session²² of the General Assembly, and in the CCD,²³ the USSR and other Eastern European States continued to urge the preparation and early convening of a world disarmament conference at which actual disarmament agreements might be reached, while most Western States continued to hold restrained attitudes towards such a conference under current conditions. The non-aligned countries generally supported the idea with the proviso, however, that all nuclear-weapon States should participate. By its resolution 33/69, which was adopted without a vote, the General Assembly requested the *Ad Hoc* Committee to remain currently informed of the attitudes of nuclear-weapon States and of all other States and to consider relevant observations, having especially in mind paragraph 122 of the Final Document of the Tenth Special Session.

(c) *Nuclear disarmament*

(1) *Nuclear arms limitation and disarmament*

In 1978, the special session of the General Assembly devoted to disarmament provided an opportunity for stock-taking and thorough discussion of both old and new ideas in the area of nuclear arms limitation and disarmament. With respect to specific measures relating to the cessation of the nuclear arms race and nuclear disarmament, a number of proposals were put forward in the context of preparations for the special session²⁴. The draft final document contained in the report of the Preparatory Committee²⁵ clearly indicated the existence of divergent views regarding the manner in which the process of nuclear disarmament should be carried out and the specific measures that should be adopted. The painstaking and laborious efforts which were made at the tenth special session in order to arrive at a generally acceptable wording of the texts relating to the whole complex of problems regarding the cessation of the nuclear arms race and nuclear disarmament resulted in the inclusion in the Final Document of paragraphs 20 and 32 (Declaration) and 45 to 50 and 53 to 58 (Programme of Action).

Within the CCD, questions relating to the cessation of the nuclear arms race and nuclear disarmament continued to figure prominently in the deliberations.²⁶ As in previous years, the statements generally stressed the overriding importance and urgency of early and substantial progress towards the goal of nuclear disarmament.

¹⁹ *Ibid.*, Tenth Special Session, Supplement No. 1 (A/S-10/1), vol. V, document A/AC.187/114, para. 3, and vol. VII, 21st to 42nd meetings.

²⁰ *Ibid.*, Supplement No. 3 (A/S-10/3 and Corr.1), and *ibid.*, Thirty-third Session, Supplement No. 28 (A/33/28).

²¹ *Ibid.*, Tenth Special Session, Plenary Meetings, 1st to 25th and 27th meetings; *ibid.*, Tenth Special Session, *Ad Hoc* Committee of the Tenth Special Session, 3rd to 16th meetings and *ibid.*, *Ad Hoc* Committee of the Tenth Special Session, Sessional Fascicle, corrigendum.

²² *Ibid.*, Thirty-third Session, First Committee, 4th to 50th and 59th meetings, and *ibid.*, First Committee, Sessional Fascicle, corrigendum.

²³ *Ibid.*, Supplement No. 27 (A/33/27), vol. I, para. 293.

²⁴ See *The United Nations Disarmament Yearbook*, vol. 2: 1977 (United Nations publication, Sales No. E.78.IX.4), p. 72-73.

²⁵ *Official Records of the General Assembly, Tenth Special Session, Supplement No. 1 (A/S-10/1)*, vol. 1.

²⁶ See *Official Records of the General Assembly, Thirty-third Session, Supplement No. 27 (A/33/27)*, vol. I, paras. 20-156.

At the thirty-third session of the General Assembly, consideration of problems of nuclear arms limitation and disarmament was resumed both in the general debate and in the First Committee.²⁷ Statements of delegations generally reaffirmed the priority of nuclear disarmament. Beyond comments of a general nature, there was a discussion of specific questions relating to the cessation of the nuclear arms race and nuclear disarmament—including the prohibition of the manufacture of nuclear weapons systems and their gradual reduction with a view to their elimination, the non-use of nuclear weapons and the prevention of nuclear war and the question of a suitable framework for negotiations on nuclear disarmament.

By its resolution 33/91 F, adopted by a recorded vote of 105 to 18, with 12 abstentions, the General Assembly called upon all nuclear-weapon States to refrain from stationing nuclear weapons on the territories of States where there are no such weapons at present and upon all non-nuclear-weapon States which do not have nuclear weapons on their territory to refrain from any steps which would directly or indirectly result in the stationing of such weapons on their territories.

By its resolution 33/91 H, adopted by a recorded vote of 108 to 10, with 16 abstentions, the Assembly requested the Committee on Disarmament to consider urgently the question of an adequately verified cessation and prohibition of the production of fissionable material for nuclear weapons and other nuclear explosive devices.

By its resolution 33/71 B, adopted by a recorded vote of 103 to 18, with 18 abstentions, the General Assembly *inter alia* declared that (a) the use of nuclear weapons will be a violation of the Charter of the United Nations and a crime against humanity and (b) the use of nuclear weapons should therefore be prohibited, pending nuclear disarmament.

Finally, by its resolution 33/91 D, adopted by a recorded vote of 117 to none, with 21 abstentions, the General Assembly *inter alia* requested the Secretary-General to carry out a comprehensive study providing factual information on present nuclear arsenals, trends in the technological development of nuclear weapon systems, the effects of their use and the implications for international security as well as for negotiations on disarmament of the doctrines of deterrence and other theories concerning nuclear weapons and the continued quantitative increase and qualitative improvement and development of nuclear weapon systems.

(2) *Strategic Arms Limitation Talks*

The SALT negotiations were one of the issues which received the greatest attention in the course of the special session of the General Assembly,²⁸ both in the context of nuclear disarmament in general and specific measures of the Programme of Action which required urgent implementation. They were also referred to within the CCD in the context of the debate on measures relating to the cessation of the nuclear arms race.²⁹ At the thirty-third session of the General Assembly, the SALT II negotiations attracted considerable attention in the general debate as well as in the First Committee.³⁰

By its resolution 33/91 C, adopted by a recorded vote of 127 to 1, with 10 abstentions, the General Assembly *inter alia* stressed once again with the greatest emphasis the necessity that the Union of Soviet Socialist Republics and the United States of America strive to implement as soon as possible the declarations made in 1977 by their respective heads of State and reiterated its invitation to the Governments of both countries to adopt without delay all relevant measures to achieve that objective.

(3) *Cessation of nuclear weapon tests*

At its tenth special session, the General Assembly had before it a special report prepared by the CCD in response to the request of the Assembly in resolution 32/88 B, in which the Committee

²⁷ *Ibid.*, *Plenary Meetings*, 6th to 34th, 84th and 86th meetings; *ibid.*, *First Committee*, 4th to 51st, 55th and 57th meetings and *ibid.*, *First Committee, Sessional Fascicle*, corrigendum.

²⁸ See *Official Records of the General Assembly, Tenth Special Session, Plenary Meetings*, 1st to 25th and 27th meetings; *ibid.*, *Ad Hoc Committee of the Tenth Special Session*, 3rd to 16th meetings, and *ibid.*, *Ad Hoc Committee of the Tenth Special Session, Sessional Fascicle*, corrigendum.

²⁹ *Ibid.*, *Thirty-third Session, Supplement No. 27 (A/33/27)*, vol. I, paras. 20-53.

³⁰ *Ibid.*, *Plenary Meetings*, 4th to 34th and 86th meetings; *ibid.*, *First Committee*, 4th to 50th and 56th meetings, and *ibid.*, *First Committee, Sessional Fascicle*, corrigendum.

stated that its highest priority remained the conclusion of a comprehensive test ban and described the state of the bipartite negotiations being conducted by the USSR, the United Kingdom and the United States with a view to reaching agreement on the provisions of a treaty prohibiting nuclear weapon tests and a protocol covering nuclear explosions for peaceful purposes.³¹ The question of the cessation of nuclear-weapon testing was dealt with in paragraph 51 of the Final Document of the Tenth Special Session.

At its thirty-third session,³² the General Assembly adopted two resolutions on this question. By its resolution 33/71 C, adopted by 130 votes to 2, with 8 abstentions, it called upon all States, in particular the nuclear-weapon States, to refrain from conducting any testing of nuclear weapons and other nuclear explosive devices and by its resolution 33/60 which was adopted by a recorded vote of 134 to 1, with 5 abstentions, it *inter alia* reaffirmed its conviction that a comprehensive test ban treaty was a matter of the highest priority and urged the three above-mentioned States to expedite their negotiations on the matter.

(4) *Nuclear neutron weapon or reduced blast and enhanced radiation weapon (neutron bomb)*

Within the CCD, the Soviet Union submitted, on 9 March 1978, a draft convention on the prohibition of the production, stockpiling, deployment and use of nuclear neutron weapons.³³ At the tenth special session,³⁴ the question of the neutron bomb was dealt with mostly in general statements in the debate at the plenary meetings. No specific paragraph or mention of the neutron weapon was included in the Final Document although a proposal to that effect was submitted by the Soviet Union.³⁵

At the thirty-third session of the General Assembly,³⁶ the debate confirmed the existence of two main approaches to the question of the nuclear neutron weapon, namely that of the Eastern European States and a number of non-aligned countries which regard the weapon in question as a separate issue, and that of the Western States which treat it in the context of the general question of nuclear disarmament.

(5) *Strengthening of the security of non-nuclear-weapon States*

At the tenth special session,³⁷ this question was mostly dealt with in statements on the questions of non-proliferation of nuclear weapons and of nuclear-weapon-free zone. It is referred to in paragraphs 32 and 59 of the Final Document.

At the thirty-third session of the General Assembly, an item entitled "Conclusion of an international convention on the strengthening of guarantees of the security of non-nuclear States" was included in the agenda further to an initiative of the Soviet Union.³⁸ It received considerable attention from Member States both during the general debate in the Assembly and in the First Committee.³⁹

³¹ The CCD continued consideration of the matter after the conclusion of the tenth special session and reported to the General Assembly at its thirty-third session on its work (see *Official Records of the General Assembly, Thirty-third Session, Supplement No. 27 (A/33/27)*, vol. I, paras. 54-115).

³² See *Official Records of the General Assembly, Thirty-third Session, Plenary Meetings*, 4th to 34th and 84th meetings, particularly 8th, 10th and 14th meetings; *ibid.*, *First Committee*, 4th to 50th, 52nd and 57th meetings, and *ibid.*, *First Committee, Sessional Fascicle*, corrigendum.

³³ See *ibid.*, *Supplement No. 27 (A/33/27)*, vol. II, document CCD/559.

³⁴ *Ibid.*, *Tenth Special Session, Plenary Meetings*, 1st to 25th and 27th meetings.

³⁵ See A/S-10/AC.1/18, annex.

³⁶ See *Official Records of the General Assembly, Thirty-third Session, Plenary Meetings*, 6th to 34th meetings; *ibid.*, *Thirty-third Session, First Committee*, 4th to 50th meetings; and *ibid.*, *First Committee, Sessional Fascicle*, corrigendum.

³⁷ *Ibid.*, *Tenth Special Session, Plenary Meetings*, 1st to 27th meetings; *ibid.*, *Tenth Special Session, Ad Hoc Committee of the Tenth Special Session*, 3rd to 16th meetings; and *ibid.*, *Ad Hoc Committee of the Tenth Special Session, Sessional Fascicle*, corrigendum.

³⁸ See A/33/241, annex.

³⁹ See *Official Records of the General Assembly, Thirty-third Session, Plenary Meetings*, 6th to 34th and 84th meetings; *ibid.*, *First Committee*, 20th to 28th and 58th to 61st meetings; and *ibid.*, *First Committee, Sessional Fascicle*, corrigendum.

By its resolution 33/72 A adopted by a recorded vote of 117 to 2, with 6 abstentions, the General Assembly *inter alia* considered it necessary to take effective measures for the security of non-nuclear-weapon States through appropriate international arrangements and requested the Committee on Disarmament to consider to that end the drafts of an international convention on the subject, as well as all proposals concerning effective political and legal measures to assure the non-nuclear-weapon States against the use or threat of use of nuclear weapons.

By its resolution 33/72 B, which was adopted by a recorded vote of 124 to none, with 14 abstentions, the General Assembly *inter alia* urged that urgent efforts should be made to conclude effective arrangements to assure the non-nuclear-weapon States against the use or threat of use of nuclear weapons.

(6) *Treaty on the Non-Proliferation of Nuclear Weapons*⁴⁰

The different views held by Member States with respect to the nature and source of the threat of nuclear weapons proliferation and the measures needed to avert that threat, including the role of the non-proliferation Treaty, were reflected in the draft final document contained in the report of the Preparatory Committee for the Special Session⁴¹ and in the statements⁴² and proposals made at the special session itself. They were also reflected in the Final Document where two separate paragraphs (65 and 67) were included on the matter in order to permit the adoption of the Document by consensus.

The question was also discussed in the CCD.⁴³

At the thirty-third session of the General Assembly in the plenary and in the First Committee,⁴⁴ much of the discussion took place in connexion with the consideration of preparations for the Second Review Conference of the Parties to the Treaty in light of the recommendation of the First Review Conference held in 1975 which proposed to the depositary Governments that another conference to review the operation of the Treaty be held in 1980. On this question, the General Assembly adopted resolution 33/57 by a vote of 122 to one, with 16 abstentions.

(7) *Nuclear-weapon-free zones*

During the general debate in the plenary meetings of the tenth special session,⁴⁵ there was general support for the concept of nuclear-weapon-free zones. This common view is reflected in paragraphs 33 and 60 to 62 of the Final Document. The question was also referred to in the CCD⁴⁶ and in the General Assembly at its thirty-third session.⁴⁷

Regarding the Treaty for the Prohibition of Nuclear Weapons in Latin America (Treaty of Tlatelolco), the General Assembly adopted without a vote two resolutions, namely with respect to Additional Protocol I, resolution 33/58 in which it *inter alia* invited the United States and France to become parties as soon as possible and, with respect to Additional Protocol II, resolution 33/61 in which it *inter alia* noted with satisfaction that the USSR had announced its intention to become party in the nearest future.^{48 49}

⁴⁰ Resolution 2723 (XXII), annex. Also reproduced in the *Juridical Yearbook*, 1968, p. 156.

⁴¹ *Official Records of the General Assembly, Tenth Special Session, Supplement No. 1 (A/S-10/1)*, vol. 1.

⁴² *Ibid.*, *Plenary Meetings*, 1st to 25th and 27th meetings; *ibid.*, *Ad Hoc Committee of the Tenth Special Session*, 3rd to 16th meetings, and *ibid.*, *Ad Hoc Committee of the Tenth Special Session, Sessional Fascicle*, corrigendum.

⁴³ See *Official Records of the General Assembly, Thirty-third Session, Supplement No. 27 (A/33/27)*, vol. I, paras. 136-151.

⁴⁴ *Ibid.*, *Plenary Meetings*, 6th to 34th and 84th meetings; *ibid.*, *First Committee*, 4th to 50th and 59th meetings; and *ibid.*, *First Committee, Sessional Fascicle*, corrigendum.

⁴⁵ See *Official Records of the General Assembly, Tenth Special Session, Plenary Meetings*, 1st to 25th and 27th meetings.

⁴⁶ *Ibid.*, *Thirty-third Session, Supplement No. 27 (A/33/27)*, vol. I, paras. 152-156.

⁴⁷ *Ibid.*, *Plenary Meetings*, 6th to 34th and 84th meetings; *ibid.*, *First Committee*, 4th to 50th, 54th and 55th meetings, and *ibid.*, *First Committee, Sessional Fascicle*, corrigendum.

⁴⁸ The Soviet Union deposited its instrument of ratification on 8 January 1979 accompanied by a Statement, the text of which is reproduced on p. 493 of the *United Nations Disarmament Yearbook*, vol. 3: 1978 (United Nations publication, Sales No. E.79.IX.3).

⁴⁹ With respect to the question of nuclear-weapon-free zones, reference is also made to General Assembly

(d) Prohibition of other weapons

(1) Chemical and bacteriological (biological) weapons

(i) Chemical weapons

Proposals concerning the prohibition of chemical weapons were included in a large number of the working papers which were submitted by delegations during the course of the work of the Preparatory Committee for the Special Session of the General Assembly devoted to disarmament.⁵⁰ Almost all of the papers which addressed themselves to the issue took the position that an early conclusion of a convention on the prohibition of chemical weapons was a most urgent matter which the international community must attend to in an expeditious manner. Consideration of the question at the tenth special session itself⁵¹ resulted in the inclusion in the Final Document of paragraphs 21 and 75.

Within the CCD,⁵² the discussion on chemical weapons was rather truncated due to the feeling on the part of most members that further papers on the area depended on the outcome of the bilateral negotiations taking place outside the framework of the Committee between the United States and the Soviet Union.

At its thirty-third session,⁵³ the General Assembly adopted without a vote resolution 33/59 A in which it *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, urged the Soviet Union and the United States to submit their joint initiative to the Committee on Disarmament in order to assist it in achieving early agreement on the prohibition of the development, production and stockpiling of all chemical weapons and on their destruction and invited all States to become parties to the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction⁵⁴ as well as to the Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases.⁵⁵

(ii) Bacteriological (biological) weapons

The Final Document which emerged from the tenth special session of the General Assembly contains two paragraphs—17 and 73—on this question.

At the thirty-third session of the Assembly, the major part of the debate⁵⁶ concerned the holding of a review conference of the parties to the biological weapons convention. In resolution 33/59 B which it adopted without a vote, the Assembly, bearing in mind that the Convention would have been in force for five years on 26 March 1980 and expecting that the Review Conference called for in article XII of the above-mentioned Convention would take place near that date noted that, after appropriate consultations, a preparatory committee of parties to the Convention was to be arranged. Reference should also be made in this context to resolution 33/59 A summarized in subsection (i) above.

(2) New weapons of mass destruction

In the course of consideration of the question of the prohibition of the development and manufacture of new weapons of mass destruction and new systems of such weapons at the tenth special

resolutions 33/63, 33/64 and 33/65, 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".

⁵⁰ See *Official Records of the General Assembly, Tenth Special Session, Supplement No. 1 (A/S-10/1)*, vol. III-VI.

⁵¹ *Ibid.*, *Plenary Meetings*, 1st to 25th and 27th meetings; *ibid.*, *Ad Hoc Committee of the Tenth Special Session*, 3rd to 16th meetings and *ibid.*, *Ad Hoc Committee of the Tenth Special Session, Sessional Fascicle*, corrigendum.

⁵² *Ibid.*, *Thirty-third Session, Supplement No. 27 (A/33/27)*, vol. I, paras. 157-18'.

⁵³ *Ibid.*, *First Committee*, 4th to 50th and 58th meetings and *ibid.*, *First Committee, Sessional Fascicle*, corrigendum.

⁵⁴ Resolution 2826 (XXVI), annex. Also reproduced in the *Juridical Yearbook*, 1971, p. 118.

⁵⁵ League of Nations, *Treaty Series*, vol. XCIV, p. 65.

⁵⁶ See *Official Records of the General Assembly, Thirty-third Session, First Committee*, 4th to 50th and 59th meetings; and *ibid.*, *First Committee, Sessional Fascicle*, corrigendum.

session,⁵⁷ in the CCD⁵⁸ and at the thirty-third session of the General Assembly,⁵⁹ the necessity for action aimed at prohibition of such weapons received wide recognition.

At the tenth special session, an agreed formulation on new weapons of mass destruction was worked out for the Final Document (see paragraphs 21, 39 and 77 thereof) and accepted by consensus by all participating countries. Two divergent approaches on the issue were however apparent: one, held in particular by the Eastern European States, favours the conclusion of a general agreement banning the development and manufacture of new types of weapons of mass destruction and new systems of such weapons and is reflected in resolution 33/66 B which the Assembly adopted by a vote of 118 to none, with 24 abstentions; the other, held in particular by the Western States, advocates conclusion of separate conventions concerning specific new types of weapons of mass destruction which might emerge on the basis of new scientific principles and achievements and is reflected in resolution 33/66 A which was adopted by a vote of 117 to none, with 24 abstentions.

(3) *Radiological weapons*

Within the CCD⁶⁰ and at the tenth special session,⁶¹ the question of a prohibition of radiological weapons was considered in the more general context of the prohibition of the development and manufacture of new types of weapons of mass destruction and of new systems of such weapons. It however is the subject of a specific paragraph—76—of the Final Document of the Tenth Special Session. This paragraph reflects the generally accepted view that the conclusion of a convention on the prohibition of radiological weapons is an attainable measure among disarmament issues, different approaches to the question of the prohibition of new types of weapons of mass destruction notwithstanding.

At its thirty-third session, the General Assembly,⁶² although it did not have before it any draft resolutions on radiological weapons made reference to the negotiations on the subject in paragraph 1 of its resolution 33/66 A and in the fifth preambular paragraph of its resolution 33/66 B.

(4) *Certain conventional weapons which may be deemed to be excessively injurious or to have indiscriminate effects*

Within the United Nations, this question has been discussed under various topics. For instance at its twenty-seventh session in 1972, the Assembly considered the question under general and complete disarmament. The following year, the Assembly discussed it as a separate agenda item entitled “Napalm and other incendiary weapons and all aspects of their possible use” and adopted resolution 3076 (XXVIII) by which it invited the Diplomatic Conference on the Reaffirmation and Development of International Humanitarian Law Applicable in Armed Conflicts, which held four sessions from 1974 to 1977, to consider the question of the use of napalm and other incendiary weapons, as well as other specific conventional weapons which might be deemed to cause unnecessary suffering or to have indiscriminate effects and to seek agreement on rules prohibiting or restricting the use of such weapons.

At its thirty-second session in 1977, the General Assembly endorsed in its resolution 32/152, the recommendation of that Conference that a United Nations Conference be convened not later than 1979 with a view to reaching agreement on prohibitions or restrictions of use of the weapons in question.

⁵⁷ *Ibid.*, Tenth Special Session, Plenary Meetings, 1st to 25th and 27th meetings; *ibid.*, Ad Hoc Committee of the Tenth Special Session, 4th to 9th and 13th meetings and *ibid.*, Ad Hoc Committee of the Tenth Special Session, Sessional Fascicle, corrigendum.

⁵⁸ *Ibid.*, Thirty-third Session, Supplement No. 27 (A/33/27), vol. I, paras. 188-211.

⁵⁹ *Ibid.*, Plenary Meetings, 6th to 34th and 84th meetings; *ibid.*, First Committee, 4th to 50th and 55th meetings and *ibid.*, First Committee, Sessional Fascicle, corrigendum.

⁶⁰ *Ibid.*, Tenth Special Session, Supplement No. 2 (A/S-10/2), vol. II, paras. 244-246; and *ibid.*, Thirty-third Session, Supplement No. 27 (A/33/27), vol. I, paras. 212-217.

⁶¹ *Ibid.*, Plenary Meetings, 2nd to 24th meetings; *ibid.*, Ad Hoc Committee of the Tenth Special Session, 6th and 13th meetings; and *ibid.*, Ad Hoc Committee of the Tenth Special Session, Sessional Fascicle, corrigendum.

⁶² *Ibid.*, Thirty-third Session, First Committee, 29th to 50th meetings, and *ibid.*, First Committee, Sessional Fascicle, corrigendum.

In 1978 the question was examined during the tenth special session and the thirty-third session of the General Assembly as well as in the framework of the Preparatory Conference for the 1979 United Nations Conference called for in resolution 32/152.

At the tenth special session, a number of countries of all continents welcomed the decision of the Assembly to convene the above-mentioned conference, an attitude which is reflected in paragraphs 86 to 88 of the Final Document.

The Preparatory Conference was convened on 28 August 1978 at Geneva for a three-week session. In the course of its work, 12 documents dealing with substantive issues were submitted, namely three draft proposals on incendiary weapons,⁶³ a draft proposal on fuel-air explosives,⁶⁴ a working paper on certain small-calibre weapons and projectiles,⁶⁵ draft clauses relating to the prohibition of the use of incendiary weapons,⁶⁶ the prohibition of the use of especially injurious small-calibre projectiles,⁶⁷ the prohibition of the use of anti-personnel fragmentation weapons⁶⁸ and the prohibition of the use of flechettes,⁶⁹ a preliminary outline of a treaty,⁷⁰ a proposal on the regulation of the use of landmines and other devices⁷¹ and a draft proposal concerning non-detectable fragments.⁷² At its closing meeting, the Preparatory Conference decided to hold another session.

At its thirty-third session, the General Assembly had before it the report of the Preparatory Conference.⁷³ During the discussions, both in plenary meetings and in the First Committee,⁷⁴ which concluded with the adoption of resolution 33/70, it appeared that while most countries support the concept of prohibitions or limitations on the use of certain conventional weapons because of their excessively injurious or indiscriminate effects, the possible areas of agreement and the scope of agreement which may be reached remain in doubt.

2. OTHER POLITICAL AND SECURITY QUESTIONS

(a) Declaration on the Preparation of Societies for Life in Peace

In its resolution 33/73, entitled "Declaration on the Preparation of Societies for Life in Peace", which it adopted on the recommendation of the First Committee,⁷⁵ the General Assembly solemnly invited all States to guide themselves in their activities by the recognition of the supreme importance and necessity of establishing, maintaining and strengthening a just and durable peace for present and future generations and, in particular, to observe the following principles:

1. Every nation and every human being, regardless of race, conscience, language or sex, has the inherent right to life in peace. Respect for that right, as well as for the other human rights, is in the common interest of all mankind and an indispensable condition of advancement of all nations, large and small, in all fields.

⁶³ *Official Records of the General Assembly, Thirty-third Session, Supplement No. 44 (A/33/44)*, annex, sects. A, K and L.

⁶⁴ *Ibid.*, sect. B.

⁶⁵ *Ibid.*, sect. C.

⁶⁶ *Ibid.*, sect. D.

⁶⁷ *Ibid.*, sect. E.

⁶⁸ *Ibid.*, sect. F.

⁶⁹ *Ibid.*, sect. G.

⁷⁰ *Ibid.*, sect. H.

⁷¹ *Ibid.*, sect. I.

⁷² *Ibid.*, sect. J.

⁷³ *Official Records of the General Assembly, Thirty-third Session, Supplement No. 44 (A/33/44)*.

⁷⁴ *Ibid.*, *Plenary Meetings*, 6th to 33rd and 84th meetings; *ibid.*, *First Committee*, 4th to 50th and 57th meetings; and *ibid.*, *First Committee, Sessional Fascicle*, corrigendum.

⁷⁵ See the report of the First Committee to the thirty-third session of the General Assembly on agenda item 50 (A/33/486).

2. A war of aggression, its planning, preparation or initiation are crimes against peace and are prohibited by international law.

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

4. Every State, acting in the spirit of friendship and good-neighbourly relations, has the duty to promote all-round, mutually advantageous and equitable political, economic, social and cultural co-operation with other States, notwithstanding their socio-economic systems, with a view to securing their common existence and co-operation in peace, in conditions of mutual understanding of and respect for the identity and diversity of all peoples, and the duty to take up actions conducive to the furtherance of the ideals of peace, humanism and freedom.

5. Every State has the duty to respect the right of all peoples to self-determination, independence, equality, sovereignty, the territorial integrity of States and the inviolability of their frontiers, including the right to determine the road of their development, without interference or intervention in their internal affairs.

6. A basic instrument of the maintenance of peace is the elimination of the threat inherent in the arms race, as well as efforts towards general and complete disarmament, under effective international control, including partial measures with that end in view, in accordance with the principles agreed upon within the United Nations and relevant international agreements.

7. Every State has the duty to discourage all manifestations and practices of colonialism, as well as racism, racial discrimination and *apartheid*, as contrary to the right of peoples to self-determination and to other human rights and fundamental freedoms.

8. Every State has the duty to discourage advocacy of hatred and prejudice against other peoples as contrary to the principles of peaceful coexistence and friendly co-operation.

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

In its resolution 33/74, which it adopted on the recommendation of the First Committee,⁷⁶ the General Assembly *inter alia* urged all States to abide by the provisions of resolutions 31/91 and 32/153, which denounced any form of interference in the internal or external affairs of States and called for all States to undertake measures to prevent any hostile or aggressive act or activities from taking place within their territory and directed against the sovereignty, territorial integrity and political independence of another State; and reaffirmed that a declaration on non-interference in the internal affairs of States would be an important contribution to the further elaboration of the principles for strengthening equitable cooperation and friendly relations among States, based on sovereign equality and mutual respect.

(c) Implementation of the Declaration on the Strengthening of International Security⁷⁷

In its resolution 33/75, which it adopted on the recommendation of the First Committee,⁷⁸ the General Assembly *inter alia* called upon all States to adhere fully, in international relations, to the purposes and principles of the Charter of the United Nations; urged all members of the Security Council, including its permanent members to consider and to take, as a matter of urgency, all the necessary measures for ensuring the implementation of the decisions of the United Nations on the maintenance of international peace and security; reaffirmed the legitimacy of the struggle of peoples under colonial and alien domination to achieve self-determination and independence; reaffirmed its opposition to any threat or use of force, intervention, aggression, foreign occupation or measure of political and economic coercion which attempted to violate the sovereignty, territorial integrity, independence and security of States or their right freely to dispose of their natural resources; and

⁷⁶ *Ibid.*

⁷⁷ Resolution 2734 (XXV). Also reproduced in the *Juridical Yearbook*, 1970, p. 62.

⁷⁸ See the report of the First Committee to the thirty-third session of the General Assembly on agenda item 50 (A/33/486).

considered that the implementation of the new international economic order assuring a speedy development of the developing countries, narrowing and overcoming the existing gap between the developed and the developing countries and the democratization of the process of decision-making, constituted an inseparable part of the efforts for the strengthening of international peace and security.

(d) Legal aspects of the peaceful uses of outer space

The Legal Sub-Committee of the Committee on the Peaceful Uses of Outer Space held its seventeenth session from 13 March to 7 April 1978 in Geneva.⁷⁹ It concentrated on the three priority items of its agenda, namely: a 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 II (on direct satellite broadcasting) considered in detail the text of a principle on "consultations and agreements between States" as contained in annex V of the report of the Committee on the Peaceful Uses of Outer Space.⁸⁰ The general exchange of views which took place on this point indicated that the principle in question continued to be of fundamental importance for the international instrument under consideration but no final agreement on a specific text could be reached.

Working Group III (on remote sensing) gave consideration to the formulation of five additional draft principles on the key issues involved but, due to lack of consensus, the texts of those draft principles had to be placed between square brackets.

Working Group I continued to give priority to the question of the natural resources of the moon, which was widely considered as the key issue whose solution could facilitate an agreement on the other remaining issues. The exchange of views in the Working Group and informal consultations under the chairmanship of the representative of Austria led to the preparation of the text of a tentative draft treaty, which could however not be considered within the Working Group for lack of time.⁸¹

In addition to reviewing the work of its Working Groups, the Legal Sub-Committee devoted some time to the question of the definition and/or delimitation of outer space and questions relating to the geostationary orbit as well as to the legal aspects of the use of nuclear power sources in outer space, on which a working paper was circulated by a number of delegations.⁸²

The report of the Legal Sub-Committee was considered by the Committee on the Peaceful Uses of Outer Space at its twenty-first session, held at United Nations Headquarters from 26 June to 7 July 1978.⁸³ The Committee requested the Legal Sub-Committee to make every effort to accelerate its work on the three priority issues on its agenda (direct satellite broadcasting, remote sensing and elaboration of the draft treaty relating to the moon). It also recommended that at its eighteenth session, the Legal Sub-Committee should pursue its work on the questions related to definition and/or delimitation of outer space and outer space activities, bearing in mind also questions relating to the geostationary orbit.

At its thirty-third session, the General Assembly adopted, on the recommendation of the Special Political Committee,⁸⁴ resolution 33/16 in which it *inter alia* endorsed the recommendations of the Committee on the Peaceful Uses of Outer Space concerning the future work of its Legal Sub-Committee.

⁷⁹ For the report of the Legal Sub-Committee see document A/AC.105/218.

⁸⁰ See *Official Records of the General Assembly, Thirty-second Session, Supplement No. 20 (A/32/20)*.

⁸¹ *Ibid.*, *Thirty-third Session, Supplement No. 20 (A/33/20)*, Annex II.

⁸² See document A/AC.105/218, Annex IV.

⁸³ For the report of the Committee, see *Official Records of the General Assembly, Thirty-third Session, Supplement No. 20 (A/33/20)*.

⁸⁴ See the report of the Special Political Committee to the thirty-third session of the General Assembly on agenda items 51 and 52 (A/33/344).

3. ECONOMIC, SOCIAL AND HUMANITARIAN QUESTIONS

(a) Economic questions

(1) *Code of conduct on the transfer of technology*

At its thirty-first session in 1976, the General Assembly, by its resolution 31/159, endorsed resolution 89 (IV) of 30 May 1976 of the United Nations Conference on Trade and Development relating to the establishment within the Conference of an intergovernmental group of experts which should elaborate the draft of an international code of conduct on the transfer of technology as soon as possible and decided to convene a United Nations conference under the auspices of the United Nations Conference on Trade and Development, to be held early in 1978, to negotiate on the draft elaborated by the jury of experts mentioned above and to take all decisions necessary for the adoption of the final document embodying the code of conduct for the transfer of technology, including the decision on its legal character.

Pursuant to General Assembly resolution 32/188, the Conference met from 16 October to 10 November 1978. It had before it the report of the Intergovernmental Group of Experts, which contained a draft international code of conduct on the transfer of technology.⁸⁵

The Conference did not complete its mandate and requested the Secretary-General of UNCTAD to convene a second session of the Conference in 1979.⁸⁶

By its resolution 33/157, adopted on the recommendation of the Second Committee,⁸⁷ the General Assembly strongly urged intensified effort towards a successful conclusion of the Conference and requested the Secretary-General to take the necessary measures for convening a resumed session as well as a subsequent session if necessary.

(2) *Questions relating to transnational corporations*⁸⁸

The Commission on Transnational Corporations, established by Economic and Social Council resolution 1913 (LVII) of 5 December 1974, has assigned the highest priority among its various tasks to the formulation of a code of conduct.⁸⁹ In 1976, the Commission established an Intergovernmental Working Group on a Code of Conduct which held its first, second, third and fourth sessions in 1976, 1977, and 1978 respectively.

At its fourth session in 1978, the Commission on Transnational Corporations had before it the report of the Intergovernmental Working Group on its third and fourth sessions (E/C.10/36), in which reference was made to a document containing the Chairman's suggestions for an annotated outline of a code of conduct (E/C.10/31).

The Commission instructed the Working Group to continue its work and addressed to the Economic and Social Council recommendations on the time-table of the Working Group, which the Council endorsed in its resolution 1978/71. The documentation which was prepared for the sixth session of the Working Group to be held early in 1979 included a paper entitled "Transnational Corporations: Code of conduct; formulations by the Chairman"⁹⁰ and a report of the Secretariat on certain modalities for the implementation of a code of conduct in relation to its possible legal nature.

By its resolution 1978/71, the Economic and Social Council also decided to establish a Committee on an International Agreement on Illicit Payments and to convene if possible in 1980 a conference of plenipotentiaries to conclude an international agreement on illicit payments.

⁸⁵ TD/CODE TOT/1.

⁸⁶ TD/CODE TOT/10 and Add.1.

⁸⁷ See the report of the Second Committee to the thirty-third session of the General Assembly on agenda item 59 (A/33/526).

⁸⁸ For the background to the work carried out within the United Nations on the question, see a report of the Secretariat entitled "Transnational Corporations: Issues involved in the Formulation of a Code of Conduct" (E/C.10/17).

⁸⁹ E/C.10/AC.2/8.

⁹⁰ E/C.10/AC.2/9.

(3) *Restrictive business practices*

At its fourth session in 1976, the United Nations Conference on Trade and Development (UNCTAD) decided in section III, paragraph 3, of resolution 96 (IV) that action should be taken at the international level, particularly within the framework of UNCTAD, including negotiations with the objective of formulating a set of multilaterally agreed equitable principles and rules for the control of restrictive business practices having adverse effects on international trade, particularly that of developing countries, and on the economic development of those countries.

The *Ad Hoc* Group of Experts on Restrictive Practices which was convened pursuant to that resolution held five sessions between 1976 and 1978. Its report on its fifth session held from 10 to 21 July 1978 contained the text of agreed provisions and of proposals for additional provisions.⁹¹

On the elaboration of a model law or laws on restrictive business practices, the Secretariat of UNCTAD submitted to the *Ad Hoc* Group of Experts at its fifth session the first draft of a model law or laws to assist developing countries in devising appropriate legislation.⁹²

At its eighteenth session, in 1978, the Trade and Development Board took note of the report of the *Ad Hoc* Group of Experts and decided to convene a further session of the Group before the fifth session of UNCTAD to be held in 1979, in order to enable the Group to complete its work on the set of principles and rules and to make further progress on a model law or laws on restrictive business practices.

By its resolution 33/153 adopted on the recommendation of the Second Committee,⁹³ the General Assembly, taking into account the progress made within UNCTAD towards the formulation of a set of principles and rules, as well as on a model law or laws, concerning restrictive business practices, decided to convene in the period between September 1979 and April 1980 a United Nations Conference on Restrictive Business Practices to negotiate on the basis of the work already done within UNCTAD, and to take all decisions necessary for the adoption of a set of multilaterally agreed equitable principles and rules for the control of restrictive business practices having adverse effects on international trade, particularly that of developing countries, and on the economic development of those countries, including a decision on the legal character of the principles and rules.

(b) Office of the United Nations High Commissioner for Refugees⁹⁴

In 1978, the international community's growing humanitarian concern for refugees and displaced persons and its correspondingly increased level of support for UNHCR has enabled the Office's international protection activities to attain an unprecedented level. Furthermore, there has been a growing realization of the importance of international solidarity as the necessary framework for the effective exercise of the international protection.

The High Commissioner has been frequently called upon to intervene with Governments in order to ensure that basic refugees' rights (particularly in relation to asylum, *non refoulement*, expulsion, personal safety, detention and the right to take up employment) are respected. The Office has also been active in the areas of issuance of travel and identity documents, naturalization, determination of refugee status, voluntary repatriation and family reunification.

In the promotional field, the High Commissioner's efforts have been directed essentially towards (a) encouraging further accessions to the basic international refugee instruments, namely the 1951 Convention⁹⁵ and the 1967 Protocol relating to the Status of Refugees;⁹⁶ and (b) encourag-

⁹¹ Document TD/B/C.2/AC.6/18. The report of the *Ad Hoc* Group of Experts on its previous four sessions are to be found in documents TD/B/C.2/AC.6/7 (first and second sessions), TD/B/C.2/AC.6/10 and TD/B/C.2/AC.6/13.

⁹² Document TD/B/C.2/AC.6/16/Rev.1.

⁹³ See the report of the Second Committee to the thirty-third session of the General Assembly on agenda item 59 (A/33/526).

⁹⁴ For detailed information, see *Official Records of the General Assembly, Thirty-third Session, Supplement No. 12 and 12A* (A/33/12 and Add.1) and *ibid.*, *Thirty-fourth Session, Supplement No. 12 and 12A* (A/34/12 and Add.1).

⁹⁵ United Nations, *Treaty Series*, vol. 189, p. 137.

⁹⁶ *Ibid.*, vol. 606, p. 267. Also reproduced in the *Juridical Yearbook*, 1967, p. 285.

ing the adoption by States of appropriate legislation and/or administration measures to ensure that the provisions of these international instruments are effectively implemented.

During 1978, four more States acceded to the 1951 Convention and to the 1967 Protocol. It should also be noted that the American Convention on Human Rights of 1969 (the "Pact of San José, Costa Rica"), which contains important provisions relating to asylum and gives expression to the fundamental principle of *non-refoulement* entered into force on 18 July 1978 and that one additional State acceded to the 1961 Convention on the Reduction of Statelessness. On the other hand the status of the OAU Convention of 1969 Governing the Specific Aspects of Refugee problems in Africa,⁹⁷ the 1954 Convention relating to the Status of Stateless Persons,⁹⁸ the 1957 Agreement⁹⁹ and 1973 Protocol relating to Refugee Seamen and the European Agreement of 1959 on the Abolition of Visas for Refugees, remained unchanged.

At its thirty-third session, the General Assembly, by its resolution 33/26 adopted on the recommendation of the Third Committee,¹⁰⁰ *inter alia* deplored the fact that refugees often faced the threat of *refoulement*, arbitrary detention and the denial of asylum; noted that it was necessary to ensure their basic human rights, protection and safety, *inter alia*, through further accessions to and a more effective implementation of international instruments; and urged Governments to continue to facilitate the work of the High Commissioner in the field of international protection by considering accessions to relevant instruments, the effective implementation of these instruments and the scrupulous observance of humanitarian principles with respect to the granting of asylum and the *non-refoulement* of refugees.

(c) International drug control

A note entitled "Implementation of the international treaties on the control of narcotic drugs" (E/CN.7/624 and Add.I-2) prepared by the Secretary-General for the twenty-eighth session of the Commission on Narcotic Drugs held at Geneva from 12 to 23 February 1979, provided information on the status of the Single Convention on Narcotic Drugs, 1961,¹⁰¹ of that Convention as amended by the 1972 Protocol Amending the Single Convention on Narcotic Drugs, 1961,¹⁰² and of the Convention on Psychotropic Substances 1971.¹⁰³

The note also dealt with (a) communication by governments of national laws and regulations under relevant international treaties, (b) notifications and notes verbales received from governments concerning the implementation of international drug control treaties in general; (c) the question of the simplification of existing procedures for the international transfer of samples of seized drugs; (d) notifications concerning the scope of control of the Single Convention, 1961 and of that Convention as amended by the 1972 Protocol, and (e) various questions concerning the implementation of the 1971 Convention on Psychotropic Substances such as the scope of control of the Convention, the forms for import and export authorizations and for export declarations, import prohibitions, guidelines for the exemption of preparations from certain control measures and the carrying by international travellers of small quantities of preparations for personal use.

At its thirty-third session, the General Assembly, by its resolution 33/169 adopted on the recommendation of the Third Committee,¹⁰⁴ *inter alia* reiterated its appeal to all States not yet parties to the above-mentioned instruments to take steps to accede to treaties in order to achieve their universal application.

⁹⁷ Organization of African Unity, document CM/267/Rev.1.

⁹⁸ United Nations, *Treaty Series*, vol. 360, p. 117.

⁹⁹ *Ibid.*, vol. 506, p. 125.

¹⁰⁰ See the report of the Third Committee to the thirty-third session of the General Assembly on agenda item 85 (A/33/378).

¹⁰¹ United Nations, *Treaty Series*, vol. 520, p. 151.

¹⁰² United Nations publication, Sales No. E.77.XI.3, p. 13.

¹⁰³ United Nations publication, Sales No. E.78.XI.3, p. 7.

¹⁰⁴ See the report of the Third Committee to the thirty-third session of the General Assembly on agenda item 12 (A/33/509).

(d) Crime prevention and criminal justice

(1) *Code of conduct for law enforcement officials*

In 1975, the General Assembly, by its resolution 3453 (XXX), requested the Committee on Crime Prevention and Control to elaborate a code of conduct for law enforcement officials. In 1976, the Committee adopted a draft code of conduct for law enforcement officials, consisting of 10 articles, each accompanied by a commentary.¹⁰⁵ The Committee recommended that its parent body, the Commission for Social Development, transmit the draft code through the Economic and Social Council to the General Assembly for adoption.

At its thirty-third session, the General Assembly allocated the question to the Third Committee, which referred it to an open-ended informal working group.¹⁰⁶ On 20 December 1978 the Assembly adopted, on the recommendation of the Third Committee, resolution 33/179, to which the results of the proceedings of the working group were annexed, and by which it recommended that a working group be established at the beginning of the thirty-fourth session of the Assembly to continue the elaboration of the code.

(2) *Fifth session of the Committee on Crime Prevention and Control*

The topics of legal interest which were considered by the Committee on Crime Prevention and Control at its fifth session held in Vienna from 5 to 16 June 1978¹⁰⁷ included the questions of capital punishment, terrorism and the expeditious and equitable handling of criminal cases; in relation to the last question the Committee had before it draft guidelines prepared by an *ad hoc* expert meeting, which it instructed the Secretariat to revise in the light of the observations made thereon.

(e) Human rights questions¹⁰⁸

(1) *Status and implementation of international instruments*

(i) International Covenants on Human Rights¹⁰⁹

In 1978, 12 more States became parties to the International Covenant on Economic, Social and Cultural Rights, eleven more States became parties to the International Covenant on Civil and Political Rights and five more States became parties to the Optional Protocol to the International Covenant on Civil and Political Rights.

By its resolution 33/151, adopted on the recommendation of the Third Committee,¹¹⁰ the General Assembly *inter alia* noted with appreciation the report of the Human Rights Committee on its third to fifth sessions;¹¹¹ invited all States which had not yet done so to become parties to the two Covenants and to consider acceding to the Optional Protocol; invited the States parties to the International Covenant on Civil and Political Rights to consider making the declaration provided for in article 41 of the Covenant;¹¹² and emphasized the importance of the strictest compliance by the States parties to the International Covenant on Civil and Political Rights with their obligations under the Covenant.

¹⁰⁵ See document E/CN.5/536, chap. V.

¹⁰⁶ See the report of the Third Committee to the thirty-third session of the General Assembly on agenda item 83 (A/37/471).

¹⁰⁷ See the report of the Committee on Crime Prevention and Control to the Commission for Social Development (E/CN.5/558).

¹⁰⁸ For detailed information, see the report of the Commission on Human Rights on its thirty-fourth session (*Official Records of the Economic and Social Council, 1978, Supplement No. 4 (E/1978/4)*).

¹⁰⁹ See General Assembly resolution 2200 A (XXI), annex. Also reproduced in the *Juridical Yearbook*, 1966, p. 170 *et seq.*

¹¹⁰ See the report of the Third Committee to the thirty-third session of the General Assembly on agenda item 84 (A/33/472).

¹¹¹ *Official Records of the General Assembly, Thirty-third Session, Supplement No. 40 (A/33/40)*.

¹¹² Under article 41, a State Party to the Covenant may at any time declare that it recognizes the competence of the Human Rights Committee to receive and consider communications to the effect that a State Party claims that another State Party is not fulfilling its obligations under the Covenant.

(ii) International Convention on the Elimination of All Forms of Racial Discrimination¹¹³

In 1978, four more States became parties to the Convention. In its resolution 33/101 adopted on the recommendation of the Third Committee,¹¹⁴ the General Assembly *inter alia* requested States which had not yet become parties to the Convention to ratify it or accede thereto and appealed to States parties to the Convention to study the possibility of making the declaration provided for in article 14 of the Convention.¹¹⁵

The General Assembly further adopted, also on the recommendation of the Third Committee,¹¹⁶ resolution 33/102 in which it *inter alia* took note with appreciation of the report of the Committee on the Elimination of Racial Discrimination,¹¹⁷ welcomed the Committee's intention to resume the consideration of the implementation of article 7 of the Convention¹¹⁸ with a view to formulating general guidelines that might assist the States parties to implement article 7 of the Convention and urged all States to be guided by the basic provisions of the Convention.

(iii) International Convention on the Suppression and Punishment of the Crime of *Apartheid*¹¹⁹

In 1978, 11 more States became parties to the Convention. By its resolution 33/103, adopted on the recommendation of the Third Committee,¹²⁰ the General Assembly urged States to submit reports under article VII of the Convention,¹²¹ taking into account the guidelines prepared by the Working Group on the implementation of the International Convention on the Suppression and Punishment of the Crime of *Apartheid* established in accordance with article IX of the Convention;¹²² appealed to all States which had not yet become parties to the Convention to ratify it or accede to it without delay; and welcomed the efforts of the Commission on Human Rights to undertake the functions set out in article X of the Convention.

(2) *Rights of migrant workers*

By its resolution 33/163, adopted on the recommendation of the Third Committee,¹²³ the General Assembly, considering the Migrant Workers (Supplementary Provisions) Convention, 1975,¹²⁴ and the Recommendation concerning Migrant Workers, 1975,¹²⁵ adopted by the General Conference of the International Labour Organisation, *inter alia* called upon all States, taking into account the provisions of the relevant instruments adopted by the International Labour Organisation and of the International Convention on the Elimination of All Forms of Racial Discrimination,¹²⁶

¹¹³ General Assembly resolution 2106 A (XX), annex. Also reproduced in the *Juridical Yearbook*, 1965, p. 63.

¹¹⁴ See the report of the Third Committee to the thirty-third session of the General Assembly on agenda item 81 (A/33/381).

¹¹⁵ Under article 14, a State Party may at any time declare that it recognizes the competence of the Committee to receive and consider communications from individuals and groups of individuals within its jurisdiction claiming to be victims of a violation by that State Party of any of the rights set forth in the Convention.

¹¹⁶ See foot-note 116 above.

¹¹⁷ *Official Records of the General Assembly, Thirty-third Session, Supplement No. 18* (A/33/18).

¹¹⁸ Article 7 reads as follows:

"States Parties undertake to adopt immediate and effective measures, particularly in the fields of teaching, education, culture and information, with a view to combating prejudices which lead to racial discrimination and to promoting understanding, tolerance and friendship among nations and racial or ethnical groups, as well as to propagating the purposes and principles of the Charter of the United Nations, the Universal Declaration of Human Rights, the United Nations Declaration on the Elimination of All Forms of Racial Discrimination, and this Convention."

¹¹⁹ General Assembly resolution 3068 (XXVIII), annex. Also reproduced in the *Juridical Yearbook*, 1973, p. 70.

¹²⁰ See the report of the Third Committee to the thirty-third session of the General Assembly on agenda item 81 (A/33/381).

¹²¹ Under article VII, States Parties undertake to submit periodic reports on the legislative, judicial, administrative or other measures that they have adopted and that give effect to the provisions of the Convention.

¹²² E/CN.4/1286, annex.

¹²³ See the report of the Third Committee to the thirty-third session of the General Assembly on agenda item 12 (A/33/509).

¹²⁴ International Labour Office, *Official Bulletin*, vol. LVIII, 1975, series A, No. 1, Convention No. 143.

¹²⁵ *Ibid.*, No. 1, Recommendation No. 151.

¹²⁶ Resolution 2106 A (XX), annex. Also reproduced in the *Juridical Yearbook*, 1965, p. 63.

to take measures to prevent and put an end to all discrimination against migrant workers and to ensure the implementation of such measures; called upon all States to give consideration to ratifying the Migrant Workers (Supplementary Provisions) Convention, 1975; and requested the Secretary-General to explore with Member States and in co-operation with the United Nations agencies, particularly the International Labour Organisation, the possibility of the drawing up of an international convention on the rights of migrant workers.

Also in connexion with the rights of migrant workers, the General Assembly endorsed the Charter of Rights for Migrant Workers in Southern Africa adopted on 7 April 1978 by the Conference on Migratory Labour in Southern Africa;¹²⁷ the text of the Charter is annexed to resolution 33/162, adopted on the recommendation of the Third Committee.¹²⁸

(3) *Status of persons refusing service in military or police forces used to enforce apartheid*

By its resolution 33/165, adopted on the recommendation of the Third Committee,¹²⁹ the General Assembly *inter alia* recognized the right of all persons to refuse service in military or police forces which are used to enforce *apartheid*; called upon Member States to grant asylum or safe transit to another State in the spirit of the Declaration on Territorial Asylum¹³⁰ to persons compelled to leave their country of nationality solely because of a conscientious objection to assisting in the enforcement of *apartheid* through service in military or police forces; and urged Member States to consider favourably the granting to such persons of all the rights and benefits accorded to refugees under existing legal instruments.

(4) *Protection of the human rights of arrested or detained trade union activists*

By its resolution 33/169, adopted on the recommendation of the Third Committee,¹³¹ the General Assembly, having regard in particular to article 20 of the Universal Declaration of Human Rights,¹³² article 8 of the International Covenant on Economic, Social and Cultural Rights¹³³ and article 22 of the International Covenant on Civil and Political Rights¹³³ as well as to International Labour Convention No. 87 of 9 July 1948 concerning the freedom of association and protection of the right to organize,¹³⁴ reaffirmed the importance of protecting the right to freedom of association as an essential prerequisite for the conduct of any trade union activities; recommended that special attention should be paid to the violations of the right to freedom of association; and requested Member States to release any persons who, within their jurisdiction and contrary to the provisions of the above-mentioned international instruments, might be under arrest or detention on account of trade union activities and to ensure that the fundamental rights of such persons were fully protected.

(5) *Human rights of persons subjected to any form of detention or imprisonment*

By its resolution 32/62, the General Assembly requested the Commission on Human Rights to draw up a convention on torture and other cruel, inhuman or degrading treatment or punishment in the light of the principles embodied in the Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.¹³⁵

At its thirty-fourth session, held at Geneva from 6 February to 10 March 1978, the Commission on Human Rights had before it, among other documents, a "Draft International Convention against

¹²⁷ The Conference, held at Lusaka from 4 to 8 April 1978, was organized by the Economic Commission for Africa and the International Labour Organisation in co-operation with the Government of Zambia and the liberation movements of southern Africa that are recognized by the Organization of African Unity.

¹²⁸ See foot-note 123 above.

¹²⁹ See the report of the Third Committee to the thirty-third session of the General Assembly on agenda item 12 (A/33/509).

¹³⁰ Resolution 2312 (XXII), annex. Also reproduced in the *Juridical Yearbook*, 1967, p. 349.

¹³¹ See foot-note 129 above.

¹³² Resolution 217 A (III).

¹³³ Resolution 2250 A (XXI), annex. Also reproduced in the *Juridical Yearbook*, 1966, p. 170.

¹³⁴ See International Labour Organisation, *Conventions and Recommendations adopted by the International Labour Conference, 1919-1966* (Geneva, International Labour Office, 1966).

¹³⁵ General Assembly resolution 3452 (XXX). Also reproduced in the *Juridical Yearbook*, 1975, p. 48.

Torture and other Cruel, Inhuman or Degrading Treatment or Punishment'' proposed by the delegation of Sweden (E/CN.4/1285). It established an open-ended working group to draw up the first draft of a convention on the question. The working group did not complete the task and the Commission recommended to the Economic and Social Council that a working group be convened immediately before the Commission's subsequent session to prepare concrete drafting proposals, a recommendation which was endorsed by the Council.

The Commission also had before it, in connexion with this question, a draft body of principles for the protection of all persons under any form of detention or imprisonment, prepared by the Rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, Mr. Erik Nettel (E/CN.4/Sub.2/395).¹³⁶

(6) *Elimination of all forms of intolerance and of discrimination based on religion or belief*

This question has been under consideration in the United Nations since 1962. A preliminary draft of a United Nations Declaration on the Elimination of All Forms of Religious Intolerance had been prepared in 1964 by the Sub-Commission on Prevention of Discrimination and Protection of Minorities.¹³⁷ This draft was referred by the Commission on Human Rights to a working group, which was asked to prepare a draft declaration on the basis in particular of the Sub-Commission's preliminary draft. The working group prepared a provisional text for the first six articles.¹³⁸

In 1973, by its resolution 3069 (XXVIII), the General Assembly invited the Economic and Social Council to request the Commission on Human Rights to consider with priority the elaboration of the envisaged draft declaration. Further to this resolution, the Commission on Human Rights, at its thirtieth session in 1974, established an informal working group which was entrusted with the task of preparing the draft declaration on the basis of the above mentioned drafts. The working group was kept in existence at the thirty-first, thirty-second, thirty-third and thirty-fourth sessions. At the conclusion of the thirty-fourth session of the Commission, the working group had completed its consideration of the preamble and had started its consideration of article 1.

By its resolution 33/106, adopted on the recommendation of the Third Committee,¹³⁹ the General Assembly noted with regret that the draft declaration had not yet been completed and requested the Commission on Human Rights to give high priority to the drafting of a single Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief.¹⁴⁰

(7) *Question of a convention on the rights of the child*

At its 1978 spring session, the Economic and Social Council adopted, on the recommendation of the Commission on Human Rights,¹⁴¹ resolution 78/18 in which it referred to the Declaration of the Rights of the Child adopted by the General Assembly in 1959;¹⁴² took note of the initiative taken by the Commission with a view to the conclusion of a convention on the rights of the child, and recommended to the General Assembly that it consider including in the agenda for its thirty-fourth session, as a priority matter, the question of the adoption of a convention on the rights of the child.

At its thirty-third session, the General Assembly, by its resolution 33/166 adopted on the recommendation of the Third Committee,¹⁴³ requested the Commission on Human Rights to organize

¹³⁶ For further details see the report of the Commission on Human Rights on its thirty-fourth session (*Official Records of the Economic and Social Council, 1978, Supplement No. 4 (E/1978/34)*, chap. VIII).

¹³⁷ E/CN.4/873, para. 142.

¹³⁸ *Official Records of the Economic and Social Council, Thirty-seventh Session, Supplement No. 8 (E/3873)*, para. 296.

¹³⁹ See the report of the Third Committee to the thirty-third session of the General Assembly on agenda item 89 (A/33/474).

¹⁴⁰ For further details, see the report of the Commission on Human Rights on its thirty-fourth session (*Official Records of the Economic and Social Council, 1978, Supplement No. 4 (E/1978/34)*, chap. XIV).

¹⁴¹ Resolution 19 (XXXIV) of the Commission on Human Rights, to which was annexed the text of a draft Convention submitted by Poland (see foot-note 144 below).

¹⁴² General Assembly resolution 1386 (XIV).

¹⁴³ See the report of the Third Committee to the thirty-third session of the General Assembly on agenda item 12 (A/33/509).

its work so that the draft of the Convention might be ready for adoption if possible during the International Year of the Child (1979).¹⁴⁴

(f) Status of women

Twenty-seventh session of the Commission on the Status of Women

The Commission on the Status of Women held its twenty-seventh session at United Nations Headquarters from 20 March to 5 April 1978.¹⁴⁵ In connexion with its agenda item entitled "International instruments and standards relating to the status of women: implementation of the Declaration on the Elimination of Discrimination against Women", it had before it a report of the Secretary-General on the promotion of full equality of women and men in all spheres of life in accordance with international standards and the Declaration on the Elimination of Discrimination against Women.¹⁴⁶ In its resolution I (XXVII), it referred to the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others;¹⁴⁷ condemned this shameful exploitation, which where it exists, continues to detract from the dignity of women; and requested the Secretary-General to prepare a report on the implementation of the above-mentioned Convention.

Draft Convention on the Elimination of Discrimination against Women

At its thirty-third session, the General Assembly adopted on the recommendation of the Third Committee¹⁴⁸ resolution 33/177 entitled "Draft Convention on the Elimination of Discrimination against Women" in which it took note with appreciation of the report of the Working Group which had been established at the beginning of the session to deal with the issue¹⁴⁹ and recommended that a working group be established at the beginning of the thirty-fourth session to complete the task with a view to the adoption of the draft convention at the thirty-fourth session.

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

The seventh session of the Third United Nations Conference on the Law of the Sea was held from 27 March to 19 May 1978 at the Office of the United Nations at Geneva. This session was resumed from 21 August to 15 September 1978 at United Nations Headquarters in New York.¹⁵⁰

A total of 142 States participated in the first part of the seventh session. In addition, two territories, 14 specialized agencies or United Nations bodies, 11 intergovernmental organizations, 33 non-governmental organizations having consultative status with the Economic and Social Council and four national liberation movements recognized by the Organization of African Unity or the League of Arab States participated as observers. A total of 134 States participated in the second part of the seventh session. In addition, two territories, 12 specialized agencies or United Nations bodies, 9 intergovernmental organizations, 13 non-governmental organizations having consultative status with the Economic and Social Council and two national liberation movements recognized by the Organization of African Unity participated as observers.

¹⁴⁴ For further details see the report of the Commission on Human Rights on its thirty-fourth session (*Official Records of the Economic and Social Council, 1978, Supplement No. 4 (E/1978/34) chap. XIX*).

¹⁴⁵ For the report of the Commission, see *Official Records of the Economic and Social Council, 1978, Supplement No. 2 (E/1978/32/Rev.1)*.

¹⁴⁶ General Assembly resolution 317 (IV).

¹⁴⁷ United Nations *Treaty Series*, vol. 96, p. 271.

¹⁴⁸ See the report of the Third Committee to the thirty-third session of the General Assembly on agenda item 75 (A/33/468).

¹⁴⁹ A/C.3/33/L.47 and Corr.1 and 2, Add.1 and Corr.1 and Add.2 and Corr.1 (subsequently issued as A/34/60).

¹⁵⁰ See *Official Records of the Third United Nations Conference on the Law of the Sea*, vol. IX (United Nations publication, Sales No. E.79.V.3).

Question of the presidency of the Conference

The Conference adopted, by a roll-call vote of 75 to 18, with 13 abstentions,¹⁵¹ the following proposal tabled by Nepal on behalf of the Asian Group:

“1. The Conference *resolves* that Ambassador Hamilton Shirley Amerasinghe is and continues to be the President of the Conference unless a decision to the contrary is taken by consensus.

“2. The Conference further *resolves* that there is overwhelming support in the Conference for the continuation of Ambassador Amerasinghe as its President.

“3. Those delegations which have reservations or objections may place such reservations or objections on record.”

In the course of the session, various representatives indicated that they had taken a position of principle on the matter of the presidency, holding that only an accredited representative of a government could chair a plenipotentiary conference particularly one of such importance. They generally indicated their desire to proceed with the work of the Conference and to cooperate with the President to that end.

Organization of the work of the Conference at its seventh session

The Conference decided that it should give priority to the identification and resolution of the outstanding core issues.

It set up negotiating groups to deal with:

- (1) The system of exploration and exploitation, and resource policy (Negotiating Group I);
- (2) Financial arrangements (Negotiating Group II);
- (3) Organs of the Authority (Negotiating Group III);
- (4) Access to living resources of the exclusive economic zone (Negotiating Group IV);
- (5) Settlement of disputes in the exclusive economic zone (Negotiating Group V);
- (6) Definition of the outer limits of the continental shelf and sharing of revenues (Negotiating Group VI);
- (7) Delimitation of maritime boundaries between adjacent and opposite States and settlement of disputes thereon (Negotiating Group VII);

The Conference left the door open for consideration of other issues in negotiating groups. It agreed that the Third Committee could deal with matters which in its view called for further negotiation. Any modifications or revisions to be made in the Informal Composite Negotiating Text (ICNT),¹⁵² the Conference decided, should emerge from the negotiations themselves and should not be introduced on the initiative of any single person, whether the President or the Chairman of a committee, unless presented to the plenary and found “from the widespread and substantial support prevailing in Plenary, to offer a substantially improved prospect of a consensus.” The revision of the ICNT should be the collective responsibility of the President and the Chairmen of the main committees, acting together as a team headed by the President. The Chairman of the Drafting Committee and the Rapporteur General would be associated with the team.

At both parts of the session the Third Committee continued its work on preservation of the marine environment, scientific research and the transfer of technology. The Chairman of the Committee reported consensus on changes in provisions on international rules and national legislation to prevent, reduce and control vessel source pollution, and on measures to protect and preserve rare or fragile ecosystems as well as the habitat of depleted or endangered species. The Committee likewise reported agreement to delete a provision stating that the Convention did not cover the disposal of wastes from sea-bed mining.

Finally, the Conference held four public plenary meetings during the first part of the session to discuss the Preamble and Final Clauses of a Convention. The Conference had before it at this point

¹⁵¹ Twenty-one delegations stated that they were not participating in the vote.

¹⁵² See *Official Records of the Third United Nations Conference on the Law of the Sea*, vol. VIII (United Nations publication, Sales No. E.78.V.4).

the Informal Composite Negotiating Text provisions, as well as a study prepared by the Secretariat in 1976 (A/CONF.62/L.13) and various proposals submitted by Member States.

Decision of the General Assembly

On 10 November 1978, the General Assembly adopted resolution 33/17 in which it endorsed the recommendation of the Conference for the convening of an eighth session in 1979 and empowered the Conference, if the progress of its work warranted, to hold further meetings in 1979. The General Assembly further decided by a vote of 86 to 9, with 18 abstentions, that in order to enable the President of the Conference to discharge his functions properly he should be deemed to have the status of an official of the United Nations for the purpose of the Convention on the Privileges and Immunities of the United Nations.¹⁵³

5. INTERNATIONAL COURT OF JUSTICE^{154 155}

(a) Cases submitted to the Court¹⁵⁶

(1) *Aegean Sea Continental Shelf*

At public sittings held from 9 to 17 October 1978 the Court heard arguments on the question of its jurisdiction presented on behalf of Greece. Turkey was not represented at the hearings.

On 19 December 1978 the Court, at a public sitting, delivered the judgment¹⁵⁷ which is analysed below:¹⁵⁸

Procedure, and Summary of Negotiations (paras. 1-31)

In its Judgment the Court, after recapitulating the different stages in the proceedings, noted that the attitude of Turkey had been defined in communications of 25 August 1976 and 24 April and 10 October 1978. (Paras. 1-14.)

While regretting that Turkey had not appeared in order to put forward its arguments, the Court pointed out that it nevertheless had to examine *proprio motu* the question of its own jurisdiction, a duty reinforced by the terms of Article 53 of its Statute, according to which the Court, whenever a party does not appear, must, before finding upon the merits, satisfy itself that it has jurisdiction. (Para. 15.)

After giving a brief account of the negotiations which had taken place between Greece and Turkey since 1973 on the question of delimiting the continental shelf, the Court found, contrary to suggestions by Turkey, that the active pursuit of negotiations concurrently with the proceedings was not, legally, any obstacle to its exercise of its judicial function, and that a legal dispute existed between Greece and Turkey in respect of the continental shelf in the Aegean Sea. (Paras. 16-31.)

First Basis of Jurisdiction Relied Upon: Article 17 of the General Act of 1928 (paras. 32-93)

In its Application Greece had specified two bases on which it claimed to found the jurisdiction of the Court in the dispute. The first was Article 17 of the General Act of 1928 for the Pacific Settlement of International Disputes, read with Article 36, paragraph 1, and Article 37 of the Statute of the Court.

¹⁵³ United Nations, *Treaty Series*, vol. 1, p. 153.

¹⁵⁴ For the composition of the Court, see *Official Records of the General Assembly Thirty-third Session, Supplement No. 45*, sect. X, p. 229.

¹⁵⁵ As of 31 December 1978, 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.

¹⁵⁶ For detailed information, see *I.C.J. Reports 1978*; *I.C.J. Yearbook 1977-1978*, No. 32; and *I.C.J. Yearbook 1978-1979*, No. 33.

¹⁵⁷ *I.C.J. Reports 1978*, p. 3.

¹⁵⁸ The above analysis is taken from the *I.C.J. Yearbook 1978-1979*, p. 120 *et seq.*

Article 17 of the General Act read as follows:

“All disputes with regard to which the parties are in conflict as to their respective rights shall, subject to any reservations which may be made under Article 39, be submitted for decision to the Permanent Court of International Justice, unless the parties agree, in the manner hereinafter provided, to have resort to an arbitral tribunal. It is understood that the disputes referred to above include in particular those mentioned in Article 36 of the Statute of the Permanent Court of International Justice.”

This Article thus provided for the reference of disputes to the Permanent Court of International Justice. That body was the predecessor of the present Court, which, by the effect of Article 37 of its own Statute, was substituted for it in any treaty or convention in force providing for reference of a matter to the Permanent Court. Hence, if the General Act was to be considered a convention in force between Greece and Turkey, it could, when read with Article 37 and Article 36, paragraph 1, of the present Court's Statute, suffice to establish the latter's jurisdiction. (Paras. 32-34.)

The question of the status of the General Act of 1928 as a convention in force for the purposes of Article 37 of the Statute had been raised, though not decided, in previous cases before the Court. In the present case Greece had contended that the Act must be presumed to be still in force as between Greece and Turkey; the latter, on the contrary, took the position that the Act was no longer in force. (Paras. 35-38.)

The Court noted that Greece had drawn attention to the fact that both the Greek and the Turkish instruments of accession to the Act were accompanied by reservations. Greece had affirmed that those were irrelevant to the case. Turkey, on the other hand, took the position that, whether or not the General Act was assumed to be in force, Greece's instrument of accession, dated 14 September 1931, was subject to a clause, reservation (b), which would exclude the Court's competence with respect to the dispute. (Para. 39.)

The text of this reservation (b) was as follows:

“The following disputes are excluded from the procedures described in the General Act . . .

“(b) disputes concerning questions which by international law are solely within the domestic jurisdiction of States, and in particular disputes relating to the territorial status of Greece, including disputes relating to its rights of sovereignty over its ports and lines of communication.”

The Court considered that, if Turkey's view of the effect of reservation (b) on the applicability of the Act as between Greece and Turkey with respect to the subject-matter of the dispute was justified, a finding on the question whether the Act was or was not in force would cease to be essential for the decision regarding the Court's jurisdiction. (Para. 40.)

According to Greece, the Court should leave reservation (b) out of account because the question of its effect on the applicability of the General Act had not been raised regularly by Turkey in accordance with the Rules of Court, so that Turkey could not be regarded as having “enforced” the reservation as required by Article 39, paragraph 3, of the General Act, whereby: “If one of the parties to a dispute has made a reservation, the other parties may enforce the same reservation in regard to that party.” In the Court's view, Turkey's invocation of reservation (b) in a formal statement made in response to a communication from the Court must be considered as constituting an “enforcement” of the reservation within the meaning of Article 39, paragraph 3, of the Act. The Court had therefore been unable to leave out of its consideration a reservation the invocation of which had been properly brought to its notice earlier in the proceedings. (Paras. 41-47.)

Greece had maintained that reservation (b) could not be considered as covering the dispute regarding the continental shelf of the Aegean Sea and therefore did not exclude the normal operation of Article 17 of the Act. It had contended in particular that the reservation did not cover all disputes relating to the territorial status of Greece but only such as *both* related to its territorial status *and at the same time* concerned “questions which by international law are solely within the domestic jurisdiction of States”. (Paras. 48 and 49.)

That contention depended on an essentially grammatical interpretation which hinged on the meaning to be ascribed to the expression "and in particular" ("et, notamment," in the original French of the reservation). After considering this argument, the Court found that the question whether that expression had the meaning attributed to it by Greece depended on the context in which it had been used in the instrument of accession and was not a matter simply of the preponderant linguistic usage. The Court stated that it could not base itself on a purely grammatical interpretation of the text and observed that a number of substantive considerations pointed decisively to the conclusion that reservation (b) contained two separate and autonomous reservations. (Paras. 50-56.)

One such consideration was that in framing its declaration accepting the compulsory jurisdiction of the Permanent Court under the optional clause of the latter's Statute—a declaration made on 12 September 1929, only two years before the Greek accession to the General Act—Greece had included a provision which, indisputably, had been an autonomous reservation of "disputes relating to the territorial status of Greece". It could hardly be supposed that Greece, in its instrument of accession to the General Act, had intended to give to its reservation of "disputes relating to the territorial status of Greece" a scope which differed fundamentally from that given to it in that declaration. That Greece had had such an intention had not been borne out by the contemporary evidence placed before the Court relating to the making of the declaration and the deposit of the instrument of accession.

That being so, the Court found that reservation (b) comprised two distinct and autonomous reservations, one affecting disputes concerning questions of domestic jurisdiction and the other reserving "disputes relating to the territorial status of Greece". (Paras. 57-68.)

The Court next considered what "disputes relating to the territorial status of Greece" must be taken to mean.

Greece had maintained that a restrictive view of the meaning must be taken, by reason of the historical context, and that those words related to territorial questions bound up with the territorial settlements established by the peace treaties after the First World War. In the Court's opinion, the historical evidence relied on by Greece had seemed rather to confirm that in reservation (b) the expression "territorial status" had been used in its ordinary, generic sense of any matters properly to be considered as belonging to the concept of territorial status in public international law. The expression therefore included not only the particular legal régime but the territorial integrity and the boundaries of a State. (Paras. 69-76.)

Greece had argued that the very idea of the continental shelf had been wholly unknown in 1928 when the General Act had been concluded, and in 1931 when Greece acceded to the Act. But, in the Court's view, since the expression "territorial status" was used in the Greek reservation as a generic term, the presumption necessarily arose that its meaning, as also that of the word "rights" in Article 17 of the General Act, was to follow the evolution of the law and to correspond with the meaning attached to it by the law in force at any given time. The Court therefore found that the expression "disputes relating to the territorial status of Greece" must be interpreted in accordance with the rules of international law as they now existed today and not as they had existed in 1931. (Paras. 77-80.)

The Court then proceeded to examine whether, taking into account the developments in international law regarding the continental shelf, the expression "disputes relating to the territorial status of Greece" should or should not be understood as comprising disputes relating to the geographical extent of Greece's rights over the continental shelf in the Aegean Sea. Greece had contended that the dispute concerned the delimitation of the continental shelf, said to be entirely extraneous to the notion of territorial status, and that the continental shelf, not being part of the territory, could not be considered as connected with territorial status. The Court observed that it would be difficult to accept the proposition that delimitation was entirely extraneous to the notion of territorial status, and pointed out that a dispute regarding delimitation of a continental shelf tended by its very nature to be one relating to territorial status, inasmuch as a coastal State's rights over the continental shelf derived from its sovereignty over the adjoining land. It followed that the territorial status of the coastal State comprised, *ipso jure*, the rights of exploration and exploitation over the continental shelf to which it was entitled under international law. (Paras. 80-89.)

Having regard to those considerations, the Court was of the opinion that the dispute was one which related to the territorial status of Greece within the meaning of reservation (b) and that Turkey's invocation of the reservation had had the effect of excluding the dispute from the application of Article 17 of the General Act. That Act was therefore not a valid basis for the Court's jurisdiction. (Para. 90.)

The Court also took into consideration a suggestion that the General Act had never been applicable as between Turkey and Greece, by reason of the existence of the Greco-Turkish Treaty of Friendship, Neutrality, Conciliation and Arbitration signed on 30 October 1930. It found that it was dispensed from any need to enter into the question of the effect of the 1930 treaty on the applicability of the General Act, because it had established that, by the effect of reservation (b), the Act was not applicable to the dispute, and because the 1930 treaty had not been invoked as a basis for its jurisdiction. (Paras. 91-93.)

Second Basis of Jurisdiction Relied Upon: the Brussels Joint Communiqué of 31 May 1975 (paras. 94-108)

The second basis of jurisdiction relied upon by Greece had been the Brussels Joint Communiqué of 31 May 1975. This was a communiqué issued directly to the press by the Prime Ministers of Greece and Turkey following a meeting between them on that date. It had contained the following passage:

“They [the two Prime Ministers] decided that those problems [between the two countries] should be resolved peacefully by means of negotiations and as regards the continental shelf of the Aegean Sea by the International Court at The Hague.”

Greece had maintained that this passage directly conferred jurisdiction on the Court, committed the parties to concluding any implementing agreement needed and, in the event of refusal by one of them to conclude such an agreement, permitted the other to refer the dispute unilaterally to the Court. Turkey, for its part, maintained that the communiqué did not “amount to an agreement under international law”, and that in any event it did not comprise any undertaking to resort to the Court without a special agreement (*compromis*) or amount to an agreement by one State to submit to the jurisdiction of the Court upon the unilateral application of the other. (Paras. 94-99.)

In view of those divergent interpretations, the Court considered what light was thrown on the meaning of the communiqué by the context in which the meeting of 31 May 1975 had taken place and the document been drawn up. It found nothing to justify the conclusion that Turkey had been prepared to envisage any other reference to the Court than a joint submission of the dispute. In the information before it on what had followed the Brussels communiqué the Court found confirmation that the two Prime Ministers had not undertaken any unconditional commitment to refer their continental shelf dispute to the Court. (Paras. 100-106.)

Hence the Brussels communiqué did not constitute an immediate and unqualified commitment on the part of the Prime Ministers of Greece and Turkey to accept the submission of the dispute to the Court unilaterally by Application. It followed that it did not furnish a valid basis for establishing the Court's jurisdiction. The Court added that nothing it had said might be understood as precluding the dispute from being brought before the Court if and when the conditions for establishing its jurisdiction were satisfied. (Paras. 107 and 108.)

For those reasons, the Court found, by 12 votes to two, that it was without jurisdiction to entertain the Application filed by the Government of Greece on 10 August 1976. (Para. 109.)

For the purposes of the case, the Court was composed as follows: President Jiménez de Aréchaga; Vice-President Nagendra Singh; Judges Forster, Gros, Lachs, Dillard, de Castro, Morozov, Sir Humphrey Waldock, Ruda, Mosler, Elias, and Tarazi; Judge *ad hoc* Stassinopoulos.

Vice-President Nagendra Singh and Judges Gros, Lachs, Morozov and Tarazi appended separate opinions or declarations.

Dissenting opinions were appended to the Judgment by Judge de Castro and Judge *ad hoc* Stassinopoulos.

(2) *Continental Shelf (Tunisia/Libyan Arab Jamahiriya)*

On 1 December 1978 the Government of Tunisia notified to the Registrar of the Court a Special Agreement, drawn up in Arabic between Tunisia and the Libyan Arab Jamahiriya on 10 June 1977, which had come into force on the date of exchange of instruments of ratification, namely 27 February 1978. A certified French translation of the Agreement was attached.

The Special Agreement provides for the reference to the Court of a dispute between Tunisia and the Libyan Arab Jamahiriya concerning the delimitation of the continental shelf between them. *Inter alia*, it provides for Memorials to be filed by both parties within 18 months.

(b) Other activities

The Rules of Court adopted on 14 April 1978, which entered into force on 1 July 1978, are applicable in the case concerning the *Continental Shelf (Tunisia/Libyan Arab Jamahiriya)* case. The Rules of 1972, however, continued to apply in the *Aegean Sea Continental Shelf* case.

6. INTERNATIONAL LAW COMMISSION¹⁵⁹

THIRTIETH SESSION OF THE COMMISSION¹⁶⁰

The International Law Commission held its thirtieth session at Geneva from 8 May to 28 July 1978. It continued to make substantial progress in its work for the development of international law and its codification by adopting in particular the final set of the draft articles on most-favoured-nations clauses, which it forwarded to the Assembly with the recommendation that the Assembly should recommend the draft articles to Member States with a view to the conclusion of a convention on the subject.

With respect to State responsibility, the Commission provisionally codified five additional draft articles, one (article 23) dealing with the breach of an international obligation to prevent a given event, the next three (articles 24-26) relating to the moment and duration of the breach of an international obligation, and the last (article 27)—the first of chapter IV entitled "Implication of a State in the internationally wrongful act of another State"—concerning aid or assistance by a State to another State for the commission of an internationally wrongful act.

Regarding succession of States in respect of matters other than treaties, the Commission provisionally approved three additional articles (articles 23-25), thus completing part II (Succession to State debts) of the draft.

On the question of treaties of international organizations, the Commission provisionally approved four additional articles (articles 35-38), thus completing section 4 (Treaties and third States or third international organizations) of part III (Observance, application and interpretation of treaties) of the draft.

The Commission also undertook certain preliminary work on other topics such as the status of the diplomatic courier and the diplomatic bag not accompanied by diplomatic courier,¹⁶¹ the second part of the topic "Relations between States and international organizations",¹⁶² international liability for injurious consequences arising out of acts not prohibited by international law, jurisdictional immunities of States and their property, and the review of the multilateral treaty-making process.¹⁶³

¹⁵⁹ For the membership of the Commission, see *Official Records of the General Assembly, Thirty-fourth Session, Supplement No. 10 (A/34/10)*, chap. I.

¹⁶⁰ For detailed information, see *Yearbook of the International Law Commission, 1978*, vol. I and vol. II (Parts One and Two) (United Nations publication, Sales No. E.79.V.5 (Part I) and E.79.V.6 (Part II)).

¹⁶¹ In this connexion see section 8 below.

¹⁶² See p. 65 of the *Juridical Yearbook, 1977*, foot-note 145.

¹⁶³ See p. 70 of the *Juridical Yearbook, 1977*, section (g).

CONSIDERATION BY THE GENERAL ASSEMBLY

At its thirty-third session, the General Assembly had before it the report of the International Law Commission on the work of its thirtieth session.¹⁶⁴ By its resolution 33/139, adopted on the recommendation of the Sixth Committee,¹⁶⁵ the Assembly *inter alia* recommended that the Commission continue its work on State responsibility, on succession of States in respect of matters other than treaties, on the question of treaties of international organizations and on the law of the non-navigational uses of watercourses. The Assembly further recommended that the Commission continue its work on the remaining topics in its current programme.

With regard to the Commission's work on the most-favoured nation clauses, the Assembly, in the second part of the same resolution, invited all States, United Nations organs having competence in the subject matter and interested intergovernmental organizations to submit their comments on the draft articles and on the Commission's recommendation that those draft articles should be recommended to Member States with a view to the conclusion of a convention on the subject. This question is to be taken up again by the General Assembly at its thirty-fifth (1980) session.

7. UNITED NATIONS COMMISSION ON INTERNATIONAL TRADE LAW¹⁶⁶

ELEVENTH SESSION OF THE COMMISSION¹⁶⁷

The United Nations Commission on International Trade Law (UNCITRAL) held its eleventh session at United Nations Headquarters from 30 May to 16 June 1978.

At its 1977 session, the Commission had considered and approved a draft Convention on the International Sale of Goods which had been prepared by its Working Group on the International Sale of Goods. At its 1978 session, it considered and approved the text of certain draft articles on the formation of contracts on the basis of a draft prepared by its Working Group on the International Sale of Goods. The Commission decided that the draft articles on the formation of contracts and the draft Convention should be integrated into a single text entitled "Draft Convention on Contracts for the International Sale of Goods"¹⁶⁸ and recommended that the General Assembly convene an international conference of plenipotentiaries, as early as practicable,¹⁶⁹ to conclude, on the basis of the draft Convention, a convention on contracts for the international sale of goods. The Commission also recommended that the General Assembly should authorize the Conference to consider the desirability of preparing a Protocol to the 1974 Convention on the Limitation Period in the International Sale of Goods¹⁷⁰ harmonizing its sphere of application with that of the Convention on Contracts for the International Sale of Goods as it may be adopted by the Conference.

In the course of its eleventh session, the Commission also considered two reports of its Working Group on International Negotiable Instruments concerning the progress made on the preparation of a draft convention on international bills of exchange and international promissory notes. The Commission asked the Working Group to continue its work and further requested the Secretary-General to continue to work in consultation with the Commission's Study Group on International Payments.

¹⁶⁴ *Official Records of the General Assembly, Thirty-third Session, Supplement No. 10 (A/34/10)*.

¹⁶⁵ See the report of the Sixth Committee to the thirty-third session of the General Assembly on agenda item 114(A/33/419).

¹⁶⁶ For the membership of the Commission, see *Official Records of the General Assembly, Thirty-first Session, Supplement No. 39 (A/31/39)*, decision 31/310.

¹⁶⁷ For detailed information, see *Yearbook of the United Nations Commission on International Trade Law*, vol. IX, 1978 (United Nations publication, Sales No. E.80.V.VIII).

¹⁶⁸ Reproduced in the report of the Commission on its eleventh session (*Official Records of the General Assembly, Thirty-third Session, Supplement No. 17 (A/33/17)*).

¹⁶⁹ The Conference was convened at Vienna on 10 March 1980.

¹⁷⁰ Reproduced in the *Juridical Yearbook*, 1974, p. 92.

The Commission decided that priority in its work programme should be accorded to the following topics: topics relating to international trade contracts (international barter or exchange, international contract practices and the 1955 Hague Convention on the Law Applicable to International Sales); topics on international payments (stand-by letters of credit and, with a lower priority, electronic funds transfer); determination of a universal unit of account for international transactions; international commercial arbitration (including conciliation of international trade disputes); products liability; the legal implications of the new international economic order; and transportation.

CONSIDERATION BY THE GENERAL ASSEMBLY

At its thirty-third session, the General Assembly had before it the report of UNCITRAL on the work of its eleventh session.¹⁷¹ With respect to the draft Convention on Contracts for the International Sale of Goods, the Assembly adopted, on the recommendation of the Sixth Committee,¹⁷² resolution 33/93 in which it *inter alia* endorsed the recommendations of the Commission referred to above. On the report of the Commission the Assembly adopted also on the recommendation of the Sixth Committee¹⁷³ resolution 33/92 in which it *inter alia* recommended that the Commission continue its work on the topics included in its programme of work and continue to maintain liaison with the Commission on Transnational Corporations and close collaboration with UNCTAD, and to give special consideration to the interests of developing countries bearing in mind the special problems of land-locked countries.

8. LEGAL QUESTIONS DEALT WITH BY THE SIXTH COMMITTEE AND BY *AD HOC* LEGAL BODIES

(a) Implementation by States of the provisions of the Vienna Convention on Diplomatic Relations of 1961¹⁷⁴

By its resolution 33/140 adopted on the recommendation of the Sixth Committee,¹⁷⁵ the General Assembly *inter alia* took note of the report of the Secretary-General¹⁷⁶ on the implementation by States of the provisions of the above-mentioned Convention, as well as of the study by the International Law Commission¹⁷⁷ of the proposals on the elaboration of a protocol concerning the status of the diplomatic courier, and the diplomatic bag not accompanied by diplomatic courier;¹⁷⁸ expressed concern at continuing instances of violations of the generally recognized rules of diplomatic law and at instances of violations of security of diplomatic sessions and safety of their personnel; requested those States which had not yet become parties to the Convention to give urgent consideration to acceding to that Convention; and decided that the General Assembly would give further consideration to this question.

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

Pursuant to General Assembly resolution 32/45, the Special Committee on the Charter of the United Nations and on the Strengthening of the role of the Organization met at Headquarters from 27

¹⁷¹ *Official Records of the General Assembly, Thirty-third Session, Supplement No. 17* (A/33/17).

¹⁷² See the report of the Sixth Committee to the thirty-third session of the General Assembly on agenda item 115 (A/33/349).

¹⁷³ *Ibid.*

¹⁷⁴ United Nations, *Treaty Series*, vol. 500, p. 95.

¹⁷⁵ See the report of the Sixth Committee to the thirty-third session of the General Assembly on agenda item 116 (A/33/465).

¹⁷⁶ A/33/224.

¹⁷⁷ *Ibid.*, p. 31.

¹⁷⁸ By its resolution 33/139, the General Assembly recommended that the International Law Commission should continue the study concerning the status of the diplomatic courier and the diplomatic bag not accompanied by diplomatic courier with a view to the possible elaboration of an appropriate legal instrument (see section 6 above).

February to 24 March 1978. It established an open-ended Working Group which had before it working papers on the peaceful settlement of disputes, the rationalization of existing procedures and the maintenance of international peace and security. It examined those working papers which related to the first two above-mentioned topics and further prepared a compilation of 51 proposals relating to the peaceful settlement of disputes.¹⁷⁹

At the thirty-third session of the General Assembly, different views were expressed within the Sixth Committee on the results achieved by the Special Committee and on the appropriateness of the extension of its mandate. The Assembly however decided by consensus, on the recommendation of the Sixth Committee,¹⁸⁰ to renew the mandate of the Committee by its resolution 33/94.

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

In accordance with General Assembly resolution 32/148 of 16 December 1977, the *Ad Hoc* Committee on the Drafting of an International Convention against the Taking of Hostages met at the United Nations Office at Geneva from 6 to 24 February 1978.¹⁸¹ It established two open-ended working groups: Working Group I was requested to examine the thornier questions connected with the drafting of the proposed convention, which it identified as relating *inter alia* to the scope of the convention and the question of national liberation movements and to the question of the right of asylum. Working Group II examined most of the articles of the draft submitted by the Federal Republic of Germany¹⁸² as well as a number of other written and oral proposals. The *Ad Hoc* Committee recommended by consensus that the General Assembly invite it to continue its work in 1979.

At the thirty-third session of the General Assembly, many delegations in the Sixth Committee¹⁸³ took note with satisfaction of the progress made by the *Ad Hoc* Committee in the carrying out of its task. The Assembly, by its resolution 33/19 which it adopted by consensus, renewed the mandate of the *Ad Hoc* Committee.

(d) Enhancing the effectiveness of the principle of non-use of force in international relations

In accordance with General Assembly resolution 32/150, the Special Committee on Enhancing the Effectiveness of the Principle of Non-Use of Force in International Relations met at United Nations Headquarters from 21 August to 15 September 1978.¹⁸⁴ It held a general debate on the questions within its mandate. Some delegations also commented on specific provisions of the draft treaty on the non-use of force in international relations submitted by the Soviet Union.¹⁸⁵

At its thirty-third session the General Assembly, by its resolution 33/96 which it adopted on the recommendation of the Sixth Committee¹⁸⁶ noted that the Special Committee had commenced work to accomplish the tasks assigned to it but had not completed its mandate. It *inter alia* reaffirmed the need for universal and effective application of the principle of the non-use of force in international relations and decided that the Special Committee would continue its work in 1979.

¹⁷⁹ For the report of the Special Committee, see *Official Records of the General Assembly, Thirty-third Session, Supplement No. 33* (A/33/33).

¹⁸⁰ See the report of the Sixth Committee to the thirty-third session of the General Assembly on agenda item 117 (A/33/413).

¹⁸¹ For the report of the *Ad Hoc* Committee, see *Official Records of the General Assembly, Thirty-third Session, Supplement No. 39* (A/33/39 and Corr.1).

¹⁸² *Ibid.*, Thirty-second Session, Supplement No. 39.

¹⁸³ See the report of the Sixth Committee to the thirty-third session of the General Assembly on agenda item 120 (A/33/385).

¹⁸⁴ For the report of the Special Committee, see *Official Records of the General Assembly, Thirty-third Session, Supplement No. 41* (A/33/41 and Corr.1).

¹⁸⁵ *Ibid.*, annex.

¹⁸⁶ See the report of the Sixth Committee to the thirty-third session of the General Assembly on agenda item 121 (A/33/418).

(e) Draft Code of Offences against the Peace and Security of Mankind

At the thirty-second session of the General Assembly, a group of Member States including Barbados, Fiji, Mexico, Nigeria, Panama, the Philippines and the Syrian Arab Republic, noting that in 1957 the General Assembly, by its resolution 1186 (XII), had decided to defer temporarily consideration of the draft Code of Offences against the Peace and Security of Mankind until such time as the General Assembly agreed on a definition of aggression and further noting that a Definition of Aggression had been adopted in 1974 by the General Assembly¹⁸⁷ requested the inclusion in the agenda of the thirty-second session of the Assembly of an additional item entitled "Code of Offences against the Peace and Security of Mankind".¹⁸⁸

The item could not be considered at the thirty-second session for lack of time. At the thirty-third session, however, the General Assembly, in its resolution 33/97 adopted on the recommendation of the Sixth Committee¹⁸⁹ requested the Secretary-General to invite Member States and relevant international intergovernmental organizations to submit their comments on the draft code prepared in 1954 by the International Law Commission on this topic.¹⁹⁰ The question will be considered again by the Assembly at its thirty-fifth (1980) session.

(f) United Nations Conference on Succession of States in Respect of Treaties

In accordance with General Assembly resolution 32/47, the Conference, which had been unable to complete its task during the session it held in 1977, held a resumed session in Vienna from 31 July to 23 August 1978. The delegations of 94 States participated in the resumed session; in addition, two Governments were represented by observers.

The basic proposal before the Conference was the draft articles on succession of States in respect of treaties adopted by the International Law Commission at its twenty-sixth session.¹⁹¹

The Vienna Convention on Succession of States in Respect of Treaties¹⁹² was adopted by the Conference on 22 August 1978 and opened for signature on 23 August 1978. The Conference also adopted a number of resolutions.^{193 194}

(g) United Nations Conference on the Carriage of Goods by Sea

In accordance with General Assembly resolution 31/100, the United Nations Conference on the Carriage of Goods by Sea met at Hamburg, Federal Republic of Germany, from 6 to 31 March 1978, to consider the question of carriage of goods by sea and to embody the results of its work in an international convention and such other instruments as it might deem appropriate. Seventy-eight States participated in the Conference; in addition one State sent an observer to the Conference.

In accordance with General Assembly resolution 33/100 the Conference took as the basis of its work the draft Convention on the Carriage of Goods by Sea contained in chapter IV of the report of the United Nations Commission on International Trade Law on its ninth session¹⁹⁵ and various other documents referred to in the Final Act of the Conference.¹⁹⁶

¹⁸⁷ General Assembly resolution 3314 (XXIX), annex.

¹⁸⁸ See *Official Records of the General Assembly, Thirty-second Session, Annex*, agenda item 131, document A/32/247.

¹⁸⁹ See the report of the Sixth Committee to the thirty-third session of the General Assembly on agenda item 124 (A/33/437).

¹⁹⁰ *Official Records of the General Assembly, Ninth Session, Supplement No. 9* (A/21/93), para. 54.

¹⁹¹ *Official Records of the General Assembly, Twenty-ninth Session, Supplement No. 0* (A/9610/Rev.1), chap. II, sect. D.

¹⁹² Reproduced on p. 106 of this *Yearbook*.

¹⁹³ See p. 121 of this *Yearbook*.

¹⁹⁴ For the proceedings of the Conference, see *Official Records of the United Nations Conference on Succession of States in Respect of Treaties*, vols. I, II and III (United Nations publications, Sales Nos. E.78.V.8, E.79.V.9 and E.79.V.10).

¹⁹⁵ *Official Records of the General Assembly, Thirty-first Session, Supplement No. 17* (A/31/17), chap. IV, sect. C.

¹⁹⁶ Document A/CONF.89/13.

On 30 March 1978, the Conference adopted the United Nations Convention on the Carriage of Goods by Sea, 1978,¹⁹⁷ which was opened for signature at the concluding meeting of the Conference on 31 March 1978. The Conference also adopted a "common understanding" and a resolution.^{198 199 200}

9. UNITED NATIONS INSTITUTE FOR TRAINING AND RESEARCH²⁰¹

UNITAR continued to administer the International Law Fellowships Programme, as a major part of the United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law, established under General Assembly resolution 2099 (XX) of 20 December 1965. A number of fellowships were awarded to legal advisers of Governments and teachers of international law, mostly from developing countries. The programmes included participation in the courses of international law and The Hague Academy of International Law and in the special courses and seminars organized by UNITAR during this period. Apart from the six-week programme at The Hague, the fellows had the choice of attending the international law seminar organized at Geneva in connexion with the annual session of the International Law Commission at Geneva, or of spending three months of practical training at one of the legal offices of the United Nations or the specialized agencies.

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

1. INTERNATIONAL LABOUR ORGANISATION²⁰²

1. The International Labour Conference (ILC), which held its 64th Session in Geneva in June 1978, adopted the following instruments: a Convention and a Recommendation concerning Labour Administration: Role, Functions and Organization;²⁰³ and a Convention concerning Protection of the

¹⁹⁷ Reproduced on p. 122 of this *Yearbook*.

¹⁹⁸ Reproduced on p. 134 of this *Yearbook*.

¹⁹⁹ The official records of the Conference will be published under the symbol A/CONF.89/14.

²⁰⁰ Consideration of two other questions of legal interest which were on the provisional agenda of the thirty-third session of the General Assembly was postponed to the thirty-fourth session. The first of those questions concerned the two resolutions (see *Juridical Yearbook*, 1975, p. 114), 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 Vienna Convention on the Representation of States in their Relations with International Organizations in future activities of the United Nations; the second question related to the consolidation and progressive evolution of the norms and principles of international economic law. Consideration of these two questions was postponed to the thirty-fourth session by General Assembly decisions 33/423 and 33/424.

In the course of its thirty-third session, the General Assembly also considered the report of the Committee on Relations with the Host Country (*Official Records of the General Assembly, Thirty-third Session, Supplement No. 26 (A/33/26 and Corr.1)*), in connexion with which it adopted resolution 33/95, and the question of the registration and publication of treaties and international agreements pursuant to Article 102 of the Charter of the United Nations (for the report of the Secretary-General on this question, see document A/33/258) in connexion with which it adopted resolution 33/141 which *inter alia* amended the procedure for publication of treaties in the United Nations Treaty Series provided for in article 12 of the General Assembly regulations to give effect to Article 102 of the Charter of the United Nations.

²⁰¹ For detailed information see *Official Records of the General Assembly, Thirty-third Session, Supplement No. 14 (A/33/14)* and *ibid.*, *Thirty-fourth Session, Supplement No. 14 (A/34/14)*.

²⁰² With regard to the adoption of instruments, information on 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.

²⁰³ *Official Bulletin*, Vol. LXI, 1978, Series A, No. 2, pp. 99-103; pp. 108-113; English, French, Spanish. Regarding preparatory work, see: *First Discussion—Labour Administration: Role, Functions and Organisation*,

Right to Organise and Procedures for Determining Conditions of Employment in the Public Service,²⁰⁴ and a Recommendation concerning Procedures for Determining Conditions of Employment in the Public Service.²⁰⁵

2. The Committee of Experts on the Application of Conventions and Recommendations met in Geneva from 9-22 March, 1978, and presented its report.

3. The Governing Body Committee on Freedom of Association met in Geneva and adopted Reports Nos. 177,²⁰⁶ 178,²⁰⁶ 179,²⁰⁶ and 180²⁰⁶ (205th Session of the Governing Body, February-March 1978); Reports Nos. 181,²⁰⁶ 182,²⁰⁶ 183,²⁰⁶ 184,²⁰⁶ 185²⁰⁶ and 186²⁰⁶ (206th Session of the Governing Body, May-June 1978); and Reports Nos. 187,²⁰⁷ 188²⁰⁷ and 189²⁰⁷ (208th Session of the Governing Body, November 1978).

2. FOOD AND AGRICULTURE ORGANIZATION OF THE UNITED NATIONS

I. OFFICE OF THE LEGAL COUNSEL²⁰⁸

A. 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.

(a) *Treaties concluded within the Organization*

—*Amendments to the Agreement for the Establishment of a Regional Animal Production and Health Commission for Asia, the Far East and the South-West Pacific*

At its seventy-fourth session (27 November-7 December 1978), the Council adopted a resolution amending Articles III and IX of the Agreement to allow for membership and the granting of observer status to States situated in the region which are not members of FAO but are members of

ILC, 61st Session (1976), Report V(1) (this report was prepared for the 61st Session, 1976, but the item was later moved to the agenda of the 63rd Session due to the convening of the ILO World Employment Conference in June 1976; it contains, *inter alia*, details of the action which led to the placing of the question on the agenda of the Conference) and ILC, 63rd Session (1977), Report V(2), 170 and 126 pages respectively; English, French, Spanish, German, Russian. See also ILC, 63rd Session (1977), *Record of Proceedings*, pp. 513-529; 701-704; English, French, Spanish. *Second Discussion—Labour Administration: Role, Functions and Organisation*, ILC, 64th Session (1978), Report IV(1) and Report IV(2), 46 and 55 pages respectively; English, French, Spanish, German, Russian. See also ILC, 64th Session (1978), *Provisional Record of Proceedings* Nos. 22; 22A; 22B; 27, pp. 17-20; 34, p. 8; English, French, Spanish.

²⁰⁴ *Official Bulletin*, Vol. LXI, 1978, Series B, No. 2.

²⁰⁵ *Ibid.*, Vol. LXI, 1978, Series B, No. 3.

²⁰⁶ *Official Bulletin*, Vol. LXI, 1978, Series A, No. 2, pp. 104-108; 113-114; English, French, Spanish. Regarding preparatory work, see: *First Discussion—Freedom of Association and Procedures for Determining Conditions of Employment in the Public Service*, ILC, 63rd Session (1977), 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), 111 and 84 pages respectively; English, French, Spanish, German, Russian. See also ILC, 63rd Session (1977), *Record of Proceedings*, pp. 629-645; 773-777; English, French, Spanish. *Second Discussion—Freedom of Association and Procedures for Determining Conditions of Employment in the Public Service*, ILC, 64th Session (1978), Report V(1) and Report V(2), 45 and 41 pages respectively; English, French, Spanish, German, Russian. See also ILC, 64th Session (1978), *Provisional Record of Proceedings* Nos. 25; 25A; 25B; 28, pp. 10-15; 35, pp. 1-3; English, French, Spanish.

²⁰⁷ This report has been published as Report III (Part 4) to the 64th Session of the Conference and comprises two volumes: Vol. A: "General Report and Observations concerning Particular Countries" (Report III (Part 4A)), 259 pages; English, French, Spanish. Vol. B: "General Survey of the Reports relating to the Employment (Women with Family Responsibilities) Recommendation, 1965 (No. 123)" (Report III (Part 4B)), 68 pages; English, French, Spanish.

²⁰⁸ For general information on the organization and functions of the Office of the Legal Counsel, see *Juridical Yearbook*, 1972, p. 60.

any one of the United Nations specialized agencies or the International Atomic Energy Agency, and Article XIV to enable the Commission to adopt and amend its Financial Regulations subject to the approval of the Director-General and confirmation by the FAO Council.²⁰⁹

(b) *Amendments to the Statutes of FAO Bodies**

—*Membership of the Advisory Committee on Forestry Education*

At its seventy-fourth session (27 November-7 December 1978), the Council adopted a resolution increasing the membership of the Committee and authorizing the Director-General to amend the Committee's statutes accordingly.²¹⁰

(c) *Inter-agency agreements and arrangements*

—*Supplementary Arrangement between the United Nations and the Food and Agriculture Organization of the United Nations Regarding Co-operation between the World Food Council and the Food and Agriculture Organization of the United Nations*

The Supplementary Arrangement concluded under Article XIX of the Agreement between the United Nations and the Food and Agriculture Organization of the United Nations of 14 December 1946²¹¹ entered into force on 28 August 1978 following signature by the Secretary-General of the United Nations and the Director-General of the Food and Agriculture Organization of the United Nations.²¹²

(d) *Treaties concluded outside the Organization*

—*Agreement for the Establishment of a Centre on Integrated Rural Development for Asia and the Pacific (CIRDAP)*²¹³

A Conference of Plenipotentiaries, which met in Kuala Lumpur, Malaysia, on 29 July 1978, adopted and opened for signature the aforementioned Agreement setting up a Centre outside the framework of FAO. In accordance with Article XVI of the Agreement, the Director-General of FAO is the Depositary. Pursuant to paragraph 2 of Article XII, the Agreement was open for signature in Kuala Lumpur, from 1 to 4 August 1978, and is thereafter open for signature at FAO Headquarters in Rome.

In accordance with Article XII, paragraph 1, of the Agreement, States listed in Annex I may become parties to the Agreement by signature followed by the deposit of an instrument of ratification, or by the deposit of an instrument of accession with the Depositary. Other States may be admitted by the Governing Council in accordance with Article XII, paragraph 5.

In conformity with its Article XII, paragraph 4, the Agreement shall enter into force with respect to all States that have ratified or acceded to it, on the date when instruments of ratification or accession have been deposited by the Government of the People's Republic of Bangladesh and by the Governments of at least five other eligible States.

On 1 August 1978, the Agreement was signed, subject to ratification, by representatives of the following States: Bangladesh, India, Indonesia, Lao People's Democratic Republic, Malaysia, Nepal, Pakistan, Philippines and Viet Nam. As of 31 December 1978 one instrument of ratification had been received, namely from Bangladesh on 11 October 1978.

B. *Law of the Sea and International Fisheries*

At its second session in May 1978, the Western Central Atlantic Fishery Commission pointed out that the geographic conditions prevailing in the Western Central Atlantic made it necessary for

* See also *infra*, Section B (Law of the Sea and International Fisheries) for amendments to the Statutes of the Western Atlantic Fishery Commission.

²⁰⁹ CL 74/REP, paras. 201-203, Appendix 1; CL 74/9; CL 74/PV/13; CL 74/PV/15.

²¹⁰ CL 74/REP, paras. 209-212; CL 74/20.

²¹¹ United Nations, *Treaty Series*, vol. 1, p. 912.

²¹² C77/REP, paras. 240-243, 314-317; WFC/1978/1.

²¹³ The English language version is the only authentic one.

governments to cooperate in the rational utilization of living resources that are of interest to two or more countries. As the Commission could not, under FAO Council Resolution 4/61 by which it had been established, concern itself with management and regulation of fisheries, it decided to invite the Council to amend its Statutes so that it could, at the request of interested countries, promote the development, conservation, rational management and best utilization of fishery resources. The Commission also pointed out that the southern boundary of its area of competence, set at 5°00' North latitude, cut across the distribution of some important fishery resources. It therefore recommended that the boundary should be extended southwards to 10°00' South latitude. The Statutes of the Commission were amended accordingly by Resolution 3/74 of the Council in December 1978.²¹⁴

The eighteenth session of the Indo-Pacific Fishery Commission examined the implications of the new régime of the sea for the management of fishery resources, with particular reference to its own role in this regard. This concerned especially stocks which migrate between two or more areas under national jurisdiction and those which move beyond exclusive economic zones into the high seas. There was general agreement that management plans should be worked out by the countries directly concerned, and that the Commission could provide a convenient forum.

At its twelfth session in June 1978, the FAO Committee on Fisheries reviewed the progress made by the Secretariat in the formulation of a comprehensive programme to assist with the development of fisheries in the exclusive economic zones of developing countries. It made a number of recommendations regarding the further elaboration of that programme.

The Eleventh FAO Regional Conference for Europe, which met in October 1978, considered the new régime of the oceans and its implications for fish supply and resource management in Europe. It emphasized that the next years will be crucial for the fisheries sector, since they will constitute a period of transition and adaptation to the new régime. Many delegations observed that FAO might usefully strengthen its action aimed at encouraging and assisting the negotiation of bilateral fishing agreements as well as of arrangements for the establishment of joint ventures with developing coastal States.

C. *Environmental Law*

In 1978, the FAO Legal Office provided the legal input to the joint FAO/UNEP project, "Preparatory Work for the Protection of the Marine Environment in the Gulf of Guinea and Adjacent Coastal Areas", by undertaking surveys of national legislation, of applicable international agreements and of the scientific basis for legal controls of marine pollution in the area concerned.

Technical assistance was provided in December to the Government of Tunisia in the preparation of a National Rangelands Management Act.

II. LEGISLATION BRANCH²¹⁵

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

During the course of 1978 legislative assistance was given as follows:

- fisheries legislation (Bangladesh, Egypt, Liberia, Oman, Philippines, Seychelles, Sierra Leone, Sri Lanka, United Republic of Tanzania, Thailand, Venezuela and Yemen Arab Republic);
- wildlife legislation (Belize, Central African Empire);
- national water resources legislation (Egypt, Mauritius, Sierra Leone);
- seed legislation (Afghanistan);
- plant protection legislation (Cape Verde);
- forestry legislation (Sudan);
- agricultural insurance legislation and preparation of range land legislation (Tunisia).

²¹⁴ CL 74/REP, paras. 207-208.

²¹⁵ For general information on the organization and functions of the Legislation Branch, see *Juridical Yearbook*, 1972, p. 62, note 59.

Legislative assistance was also given to the following organizations, associations or groups of nations:

—Kagera River Basin Organization (international water resources law and other related matters; Burundi, Rwanda and United Republic of Tanzania; 18-30 September 1978).

—Regional sub-grouping of Senegal, Gambia, Mauritania, Cape Verde and Guinea-Bissau (international co-operation in fisheries).

—West Africa Rice Development Association (WARDA) (constitutional and legal matters).

(b) *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: national water resources legislation in Pakistan, Mauritius, Ethiopia, Indonesia, Niger, Nigeria, the Yemen Arab Republic, and the United Arab Emirates; irrigation and drainage legislation in Argentina; international water resources law for the International Law Commission of the United Nations; fisheries legislation for the Arab Conference of Ministers of Agriculture; seed production and control in Iran; draft seed law in Syria; animal feedstuffs legislation in Tunisia; food control law in Qatar; consumer protection legislation in Guyana; and plant quarantine model law.

(c) *Legislative research and publications*

Research was conducted, *inter alia*, on water legislation in selected African countries; legal and institutional aspects of international rivers in Africa; need for and content of water law and legal aspects of international ground water resources; national ground-water legislation; national and international law on water pollution; coastal state requirements for foreign fishing; fisheries joint ventures; the role of parastatal bodies in fisheries development; regulations under which a specific treatment of plants is required as a condition of entry into a country; meat and poultry regulations in European countries; consumer protection and fertilizers legislation. Studies and other research documents were published on ground-water law, international water resources treaties, bilateral fishery agreements, fisheries management and development, forestry legislation, wildlife protection and national parks legislation, and agrarian reform.²¹⁶

(d) *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* [An international journal of forestry and forest industries].

3. UNITED NATIONS EDUCATIONAL, SCIENTIFIC AND CULTURAL ORGANIZATION

1. CONSTITUTIONAL AND PROCEDURAL QUESTIONS

(a) *Membership of the Organization*

Indicated below is information on the signature and acceptance of the Constitution of UNESCO by States which became members of the Organization within the period covered by this review:

State	Date of Signature	Date of deposit of instrument of acceptance
Cape Verde	15 February 1978	14 November 1977
Namibia	2 November 1978	2 November 1978
Swaziland	25 January 1978	25 January 1978

²¹⁶ See *infra* the Bibliography, p. 257.

Under the terms of the relevant provisions of the Constitution²¹⁷ each of the above-mentioned States became a member of the Organization on the respective date its acceptance took effect.

In the case of Namibia, as it was then not a Member State of the United Nations, Article II (2) of the UNESCO Constitution was applicable. Thus, before Namibia deposited its instrument of acceptance, the General Conference had, following an application received from the President of the United Nations Council for Namibia and upon recommendation of the Executive Board, adopted by the required two-thirds majority a resolution by which it decided

“... to admit Namibia as a member of UNESCO, it being agreed that the United Nations Council for Namibia, established by the United Nations as the legal administering authority for Namibia, rights and obligations flowing from Namibia's membership of the Organization are concerned, be regarded as the Government of Namibia until the present illegal occupation of that country is terminated.”²¹⁸

(b) *Harmonization of the medium-term planning cycles and the budget cycles of the organizations of the United Nations system*

At its twentieth session, the General Conference, after examining the question of the harmonization of the medium-term planning cycles and the budget cycles of the organizations of the United Nations system²¹⁹ and the report of the Legal Committee thereon,²²⁰ adopted a resolution to harmonize UNESCO's medium-term planning cycles and biennial budget cycles with those of the other United Nations organizations as of 1984.²²¹ By this resolution the General Conference decided to hold its twenty-second ordinary session in the third year following its twenty-first ordinary session (i.e., in 1983), and adopted amendments adding transitional provisions thereof to Section I of its Rules of Procedures and to Article IV of the UNESCO Constitution. A transitional provision establishing the term of the Director-General appointed by the General Conference in 1980 at seven years was added to Article VI of the Constitution. The General Conference further decided to convene an extraordinary session in 1982 for the purpose of approving the medium-term plan for 1984–1989 and, if necessary, of considering the financial problems connected with the triennial Programme and Budget for 1981–1983. The General Conference also decided, in accordance with article 13.4 of UNESCO's Financial Regulations, to suspend for the three-year period starting on 1 January 1981 those provisions of Articles 2.1, 5.3, 5.4, and 5.5 of the Financial Regulations which are incompatible with the special provisions laid down in its resolution, as well as those of any other financial and budgetary regulations which may be incompatible with the said special provisions.

(c) *Amendments to Section XVI of the Rules of Procedure of the General Conference ('New Members')*

At its twentieth session, the General Conference, after taking cognizance of the report of its Legal Committee,²²² adopted amendments to Section XVI (Rules 91–94) of its Rules of Procedure. The amendments changed the wording of Section XVI (which concerns new members of the Organization) in order to clarify the procedures through which States Members of the United Nations and States not members of the United Nations become members of UNESCO and by which territories or groups of territories become associate members of UNESCO. The amendments also clarified the point as to when the membership of each of the aforementioned entities became effective under the relevant procedures.

2. INTERNATIONAL REGULATIONS

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

In accordance with the terms of its article 18, the International Convention on the Recognition of Studies, Diplomas and Degrees in Higher Education in the Arab and Europe in States bordering

²¹⁷ See Articles II and XV of the Constitution.

²¹⁸ See Resolution 20 C/0.71, 30 October 1978.

²¹⁹ Document 20 C/37.

²²⁰ Document 20 C/129.

²²¹ See Resolution 20 C/31.1.

²²² Document 20 C/128.

on the Mediterranean, adopted on 17 December 1976 at Nice, France, by an International Conference of States convened by UNESCO, entered into force on 6 March 1978, that is, one month after the deposit with the Director-General of the second instrument of ratification.

(b) *Instruments adopted by the General Conference at its twentieth session*²²³

—Recommendation concerning the international standardization of statistics on science and technology;²²⁴

—Revised recommendation concerning the international standardization of educational statistics;²²⁵

—Revised recommendation concerning international competitions in architecture and town planning;²²⁶

—Recommendation for the protection of movable cultural property;²²⁷

—Declaration on fundamental principles concerning the contribution of the mass media to strengthening peace and international understanding, to the promotion of human rights and to countering racialism, *apartheid* and incitement to war;²²⁸

—Declaration on race and racial prejudice;²²⁹

—International Charter of Physical Education and Sport.²³⁰

(c) *Instrument adopted by an International Conference of States convened by UNESCO and held from 18 to 22 December 1978*²³¹ *at UNESCO headquarters*

—Convention on the Recognition of Studies, Diplomas and Degrees in Higher Education in the Arab States (adopted on 22 December 1978).

3. INITIAL SPECIAL REPORTS BY MEMBER STATES

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

At its twentieth session, the General Conference, after considering the initial special reports²³² submitted by Member States on the action taken by them on the Recommendation on the development of adult education, the Recommendation concerning the international exchange of cultural property, the Recommendation concerning the safeguarding and contemporary role of historic areas, the Recommendation on participation by the people at large in cultural life and their contribution to it, the Recommendation on the legal protection of translators and translations and the practical means to improve the status of translators, and the Recommendation concerning the international standardization of statistics on radio and television, adopted by the General Conference at its nineteenth session, adopted a General Report²³³ embodying its comments on the aforesaid action taken by Member States and decided that the General Report would be transmitted to Member States, to the United Nations, and to National Commissions, in accordance with article 19 of the Rules of Procedure concerning recommendations to member States and international conventions covered by the terms of Article IV, paragraph 4, of the Constitution.

²²³ For the text of these instruments, see *Records of the General Conference*, Vol. 1 (Resolutions), Annex I.

²²⁴ See document 20 C/32.

²²⁵ See document 20 C/33.

²²⁶ See document 20 C/29.

²²⁷ See document 20 C/30.

²²⁸ See Resolution 20 C/4/9.3/2.

²²⁹ See Resolution 20 C/3/1.1/2.

²³⁰ See Resolution 20 C/1/5.4/2.

²³¹ For the Final Report of the Conference see document ED-78/COREDIAB-2/4.

²³² See documents 20 C/23 and Add., 20 C/24 and Add., 20 C/25 and Add., 20 C/26 and Add., 20 C/27 and Add., and 20 C/28 and Add.

²³³ See Resolution 20 C/30.11.

(b) *Reports to be submitted to the twenty-first session of the General Conference*

The General Conference, at its twentieth session, reminded Member States of their obligation to transmit to it, at least two months before the opening of its twenty-first session, initial special reports on the action taken by them upon the four Recommendations²³⁴ adopted at its said twentieth session, and to include in these reports the information on the matters specified in paragraph 4 of resolution 50 adopted at its tenth session.²³⁵

4. COPYRIGHT AND NEIGHBOURING RIGHTS

(a) *Working Group on the Implementation of the Satellite Convention (3-7 April 1978)*

In pursuance of the decisions of their respective governing bodies, UNESCO and WIPO jointly convened a Working Group on the Implementation of the Satellite Convention, which met in Geneva from 3 to 7 April 1978. The object of the Working Group was to examine draft model provisions for the implementation of the Convention relating to the Distribution of Programme-Carrying Signals Transmitted by Satellite.

Despite the view expressed by some experts to link the Satellite Convention to the Rome Convention, the Working Group considered that its task was to examine the Satellite Convention as an independent instrument and decided that the model provisions should be restricted to the implementation of the Satellite Convention and, consequently, concern only transmission by means of point-to-point satellites.

Having discussed and debated the relevant preliminary questions, the Working Group considered that a contracting State desiring "to take adequate measures to prevent prohibited distributions" could choose from two legal systems. The first was to grant to the broadcasting organizations the right to authorize or prohibit their signals, infringement of which would not only be prohibited but would also give rise to claims for damages. The other legal system consisted in prohibiting, subject to sanctions, a distributor from distributing programme-carrying signals which the originating organization had not intended for him.

The Working Group accordingly adopted two alternative draft texts entitled: I. Model Provisions Granting Specific Protection to Broadcasting Organizations with a view to the Implementation of the Convention Relating to the Distribution of Programme-Carrying Signals Transmitted by Satellite; and II. Model Provisions Prohibiting Operations Governed by the Convention Relating to the Distribution of Programme-Carrying Signals Transmitted by Satellite.²³⁶

(b) *Sub-Committee of the Intergovernmental Copyright Committee on the Problems Raised by the Transmission of Television Programmes by Cable*

Pursuant to the decisions taken by the Intergovernmental Copyright Committee of the Universal Copyright Convention and the Executive Committee of the Berne Union at their sessions in November/December 1977, the Sub-Committee of the Intergovernmental Copyright Committee of the UCC and the Sub-Committee of the Executive Committee of the Berne Union on the Copyright Problems Raised by the Transmission of Television Programmes by Cable met in Geneva from 3 to 7 July 1978 to look for solutions on the basis of the report of the 1977 Working Group.

The Sub-Committee confirmed the final conclusions of the June 1977 Working Group on the issue, namely, that (i) the solution of the problems did not warrant the revision of either of the two international copyright conventions (UCC and Berne Convention); (ii) in view of different legal concepts in different countries it did not seem practicable to work out a uniform solution to the problems and propose it to the different national legislators as a model; and (iii) it was necessary to identify the problems which should be taken into consideration for settlement by legal provisions or juridical decisions at national level. A Working Group within the Sub-Committee was set up for the drawing up of the said list of problems.

²³⁴ For the titles of these Recommendations, see *supra* the section entitled "International Regulations".

²³⁵ See Resolution 20 C/30.21.

²³⁶ Document SAT/WG/I/4.

The list drawn up makes a distinction between two areas to be considered: the legal analysis of the situations where authors' rights are involved and the administration of those rights. The legal analysis presented two cases for distinction: that of original transmissions and that of retransmissions of captured transmissions. On the subject of original transmissions a secondary distinction was made between those made by a cable system and those made by the broadcaster himself via cable. As regards retransmissions of captured transmissions it was again distinguished whether or not the retransmissions were simultaneous with the original broadcast. On the subject of administration of rights a preliminary distinction was made between a collective administration system and non-voluntary licensing. As regards the latter, a further distinction was made between statutory licences and compulsory licences.

The systems cited above were discussed by the Working Group with reference to relevant provisions in the Universal Copyright Convention and the Berne Convention. The conclusions reached by the Working Group were adopted by the Sub-Committees.²³⁷

(c) *Sub-Committee of the Intergovernmental Committee of the Rome Convention on the Problems Raised by the Transmission of Television Programmes by Cable*

In accordance with the decisions taken by the Intergovernmental Committee of the International Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organisations (Rome Convention) at its December 1977 session in Geneva, the Sub-Committee of the above Committee on the problems raised by the transmission of television programmes by cable in regard to protection of the interests of the beneficiaries of the Rome Convention met at Geneva on 6 July 1978, to look into solutions which might be offered to national legislators.

The Sub-Committee concluded that it did not seem appropriate at this stage either to adopt an additional protocol to the Rome Convention or to start preparing for revision of the same. It also expressed the opinion that conclusion of any special agreements among the contracting States of the Convention was fraught with the danger of disturbing the established balance between the interests of the beneficiaries whose activities were intermingled. The idea of a model bilateral agreement was also not considered necessary. The Sub-Committee considered it advisable to draw up guidelines to be recommended to States for the settlement of the problems arising from the distribution of television programmes by cable and took over the list of the possible situations as drawn up by the Sub-Committees of the Intergovernmental Committee of the UCC and the Executive Committee of the Berne Union (as mentioned under (b) above).

Then the Sub-Committee made a distinction between original transmission on the one hand and retransmissions of captured transmissions on the other. A secondary distinction was made between original transmission made by a cable system and those made by the broadcaster himself via cable. It expressed the view that as far as transmissions of television programmes by cable were concerned, domestic laws should treat original transmissions as broadcasts, and that the three categories of beneficiaries covered by the Rome Convention should be given, as a minimum, the same protection for those transmissions as for broadcasts. As regards administration of rights, the Sub-Committee was of the opinion that, in the case of simultaneous retransmissions of entire programmes, only collective administration was compatible with the obligations to be met by cable distributors, who had to obtain the authorization of all the contributors to the programme.²³⁸

(d) *Sub-Committee of the Intergovernmental Copyright Committee on Legal Problems Arising from the Use of Video-cassettes and Audio-visual Discs*

In accordance with the decisions taken by the Executive Committee of the Berne Union and the Intergovernmental Copyright Committee of the Universal Copyright Convention at their November/December 1977 sessions in Paris, the Sub-Committees of the above-mentioned two Committees on the Legal Problems Arising from the Use of Video-cassettes and Audio-visual Discs met in Paris on 13, 14 and 19 September 1978, to look for solutions which might be offered to

²³⁷ Document IGC/SC.1/CTV/7.

²³⁸ Document ICR/SC.1/CTV/6.

national legislators on the basis of the recommendations by the Working Group on the subject which had itself met in Geneva in February 1977 to study the above problems.

While confirming the said Working Group's conclusions that this new dissemination technique (i) "did not call for a revision of the Berne Convention or the Universal Copyright Convention . . .", (ii) "did not necessitate the preparation of a new international instrument . . .", (iii) "required however, the establishment of a topology of specific situations, with their legal implications, and a list of considerations which could serve as a basis for solutions that would make it possible to alleviate the consequences of the development of new techniques in the audio-visual field", the Sub-Committee emphasized the urgency of identifying practical measures for the relief of copyright holders who sustain loss because of the use of their works or performances in cassettes or audio-visual discs, and also suggested that an information campaign should be launched, by UNESCO and WIPO in particular, to alert governments and public opinion to the consequences of such acts.

At the conclusion of their deliberations the Sub-Committee desired: (i) that an inventory of the situation considered by them vis-à-vis the copyright problems raised by the utilization of videograms should be prepared by the Secretariats; (ii) that the report of their findings should be submitted to the 1979 sessions of the Executive Committee of the Berne Union and the Intergovernmental Copyright Committee and (iii) that after consideration of the afore-mentioned Committee, a full set of documents comprising all the preparatory studies and the report of the 1977 Working Group should be constituted and published.

The inventory on the situations as referred to in the preceding paragraph which includes "terminology", "determination of legal status", "public use", "private use", "use for teaching purposes" and "field of application", has been prepared and as its Annex I, it forms an integral part of the report.²³⁹

(e) *Sub-Committee of the Intergovernmental Committee of the Rome Convention on Legal Problems Arising from the Use of Video-Cassettes and Audio-Visual Discs (in the case of neighbouring rights—Rome Convention)*

Pursuant to the decisions taken by the Intergovernmental Committee of the Rome Convention at its sixth ordinary session in December 1977, the Sub-Committee of the said Committee of the International Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organisations (Rome Convention) on Legal Problems Arising from the Use of Video-Cassettes and Audio-Visual Discs in connection with the protection of the interests of the categories protected by this Convention, met in Paris on 18 and 20 September 1978 in order to look into solutions which might be offered to national legislators.

Considering the prejudice caused to the beneficiaries of the Rome Convention by the increased use of videograms, the Sub-Committee discussed different possible solutions and concluded that the most practical one would be to provide it through national legislation. It also agreed that it was not necessary to revise the Rome Convention now, though protection provided for it was inadequate, particularly for the performers.

Accordingly, the Sub-Committee decided to provide national legislators with Guidelines on how the use of videograms should be regulated in view of the limitations of the Rome Convention and the interests of the beneficiaries. The Sub-Committee endorsed the findings of the Copyright Sub-Committee (UCC and Berne—see above), which also recognized and discussed these problems in detail, regarding "terminology", "private use", "use for teaching purposes", and "charging levy on both the equipment used in making the reproduction and on the material support for distribution among beneficiaries" and adopted the same inventory of problems.

The Sub-Committee also expressed the wish that its report should be submitted to the 1979 session of the Intergovernmental Committee of the Rome Convention and be given wide circulation. Further, it expressed the wish that a complete set of documents, including all the preparatory studies and the 1977 Working Group Report on the issue, should be published.²⁴⁰

²³⁹ Document IGC/SC.1/VAD/5.

²⁴⁰ Document ICR/SC.1/VAD/5.

(f) *Third Committee of Governmental Experts on the Double Taxation of Copyright Royalties Remitted from One Country to Another*

In pursuance of resolution 6.123 adopted by the General Conference of UNESCO at its nineteenth session and the decision by the Executive Board of UNESCO at its 102nd session, as also of the decisions approved by the administrative organ of WIPO at its September 1977 sessions respectively, UNESCO and WIPO jointly convened a meeting of the Third Committee of Governmental Experts on the Double Taxation of Copyright Royalties remitted from one country to another which met at UNESCO Headquarters, Paris, from 19 to 30 June 1978.

On the basis of the deliberations of the previous committees and the compromise reached by the Committee that met in 1976, the object of the Third Committee was to establish a multilateral convention on the general principles and a model bilateral agreement designed to govern the relationship between the contracting States vis-à-vis the implementation of the convention.

Accordingly, the Committee discussed and debated various aspects of the preliminary draft multilateral agreement for the avoidance of double taxation on copyright royalties remitted from one country to another, a preliminary draft protocol annexed to the agreement, a preliminary draft model bilateral convention on this subject and commentaries on these drafts, prepared by the secretariat of the Committee.

In the course of discussions there was divergence of opinion on a number of points and voting had to be resorted to on: (i) whether the proposed instrument should take the form of a multilateral convention; (ii) whether the multilateral convention should include a provision whereby the contracting States would undertake to grant a preferential treatment in respect of copyright royalties; and (iii) appeal against chairman's ruling, during consideration of the draft resolution, disallowing the amendments as to the nature of the instrument envisaged. Results of the votes were: (i) in the affirmative; (ii) in the negative, and (iii) prevalence of the ruling by Chairman.

On termination of its discussions, the Committee adopted the texts of the draft "Multilateral Convention for the Avoidance of Double Taxation of Copyright Royalties" and the draft protocol attached to it. In the resolution adopted by the Committee, the Secretariats of UNESCO and the International Bureau of WIPO were invited, *inter alia*, to prepare (i) a draft commentary explaining the draft multilateral convention; and (ii) a draft model bilateral agreement along with a draft commentary explaining it. It also recommended that an international conference of States be convened in 1979 by the Directors-General of UNESCO and of WIPO for the adoption of a multilateral convention on this subject accompanied by a model bilateral agreement.²⁴¹

5. HUMAN RIGHTS

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

The third report²⁴² of the Committee on Conventions and Recommendations, which has responsibility for examining periodic reports by Member States on the implementation of the Convention and Recommendation against Discrimination in Education, together with the comments of the Executive Board on that report²⁴³ was submitted to the twentieth session of the General Conference.

The General Conference adopted the report of the Committee and the recommendations set out therein, in particular as regards the preparation of a new questionnaire and the timetable proposed for the fourth consultation of Member States, the results of which will be submitted to the General Conference at its twenty-third session.²⁴⁴

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

²⁴¹ Document UNESCO/WIPO/DT/III/DR.11.

²⁴² See document 20 C/40 and Add.

²⁴³ See decision 104 EX/5.2.1.

²⁴⁴ See Resolution 20 C/1.1.1/2.

In accordance with article 3(2) of the Protocol instituting a Conciliation and Good Offices Commission to be responsible for seeking the settlement of any disputes which may arise between States Parties to the Convention against Discrimination in Education, and on the report of the Nominations Committee, the General Conference, at its twentieth session, on 20 November 1978, elected for a six-year term the following persons as members of the above-mentioned Commission: Dr. Narciso B. Albarracin (Philippines), Mr. Bandiari Ali (Niger), Professor Dr. Wilhelm Friedrich de Gaay Fortman (Netherlands), and Mr. Preben Kirkegaard (Denmark).²⁴⁵

(c) *Examination of cases and questions concerning the exercise of human rights in UNESCO's spheres of competence*

In accordance with a decision²⁴⁶ taken by the Executive Board at its 103rd session under item 5.5.2 of its agenda, the 13 member Working Party, created pursuant to another decision²⁴⁷ of the Executive Board taken at its 102nd session under agenda item 5.6.2, met from 9 to 17 January 1978 in order to prepare its final report.

This final report²⁴⁸ was submitted to the Executive Board at its 104th session. The Board adopted on 26 April 1978 a new procedure as proposed by the Working Party.²⁴⁹

This new procedure replaces the former procedure which was applied to the examination of communications addressed to UNESCO in connection with specific cases involving human rights in education, science and culture in accordance with decision 77 EX/8.3 adopted by the Executive Board at its seventy-seventh session in 1967.²⁵⁰

4. INTERNATIONAL CIVIL AVIATION ORGANIZATION

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

Pursuant to Assembly Resolution A22-28 adopted by the 22nd Session of the Assembly (Montreal, 13 September–4 October 1977), the Council of ICAO convened in Montreal in September 1978 the 23rd Session of the Legal Committee. As a result of its deliberations, the Committee approved a draft article 83 *bis* to be inserted in the Chicago Convention; this new article, which will be submitted for approval to the next ICAO Assembly, would provide for the transfer of certain functions and duties under Articles 12, 30, 31 and 32 a) of the Chicago Convention, when an aircraft registered in a Contracting State is operated pursuant to an agreement for the lease, charter or interchange of the aircraft or any similar agreement by an operator who has his principal place of business or, if he has no such place of business, his permanent residence in another Contracting State.

Furthermore, the 23rd Session of the Legal Committee approved draft articles for the amendment of the Rome Convention of 1952; these draft articles referred to the situation when an aircraft is leased, chartered or interchanged in international operations. These draft articles, in substance, were adopted by the International Conference on Air Law held at Montreal in September 1978.

Finally, the Legal Committee considered the question whether the Tokyo Convention of 1963 should apply when the offences are committed on board an aircraft not registered in a Contracting State but leased without crew to a lessee who has his principal place of business or his permanent residence in another Contracting State. The ICAO Council has sent a questionnaire to States relating to the possible amendment of the Tokyo Convention of 1963, and the Council will consider any future action with respect to this subject during the year 1979.

²⁴⁵ See document 20 C/NOM/9 and Add.

²⁴⁶ See decision 103 EX/5.5.2.

²⁴⁷ See decision 102 EX/5.6.2.

²⁴⁸ See document 104 EX/3.

²⁴⁹ See decision 104 EX/3.3.

²⁵⁰ Reproduced in the *Juridical Yearbook*, 1967, p. 264.

2. PROBLEM OF LIABILITY FOR DAMAGE CAUSED BY NOISE AND SONIC BOOM

A Subcommittee of the Legal Committee met in Montreal from 18 April to 1 May 1978, and its task was to prepare a text or alternative texts of an instrument for the unification of private law liability for damage caused by noise and sonic boom in international civil air navigation. The Subcommittee prepared the text of five draft articles; each proposed system of liability attracted support from less than one third of the States represented at the Subcommittee and the measure of substantial agreement capable of being reached between States was not considered to extend beyond damage caused by noise or sonic boom in a single occurrence (that is damage caused by noise or sonic boom produced by one aircraft during a particular flight); the majority of the Subcommittee took the view that the new instrument should not cover cumulative damage, that is damage caused by the compounded effect of numerous flights, in particular in the vicinity of airports. The Subcommittee prepared a detailed questionnaire but considered the subject was not ripe for study by the Legal Committee. By the end of the year 1978, replies to the questionnaire have been received from only a small group of States and on 6 December 1978, the Council decided that the States should be again requested to send replies to the Council and the Council will consider any future action with respect to this subject during its 97th Session in June 1979.

3. INTERNATIONAL CONFERENCE ON AIR LAW

The tenth International Conference on Air Law was convened by the 92nd Session of the Council and met at Montreal from 6 to 23 September 1978 for the purpose of examining the draft articles for the amendment of the Rome Convention of 1952; these draft articles had been prepared by the 22nd (1976) and 23rd (1978) Sessions of the Legal Committee. The Conference was attended by the delegations of 58 States and by 4 observer delegations. As a result of its deliberations, the Conference adopted the Protocol to Amend the Convention on Damage Caused by Foreign Aircraft to Third Parties on the Surface signed at Rome on 7 October 1952; the Protocol was open for signature on 23 September 1978 and on that date was signed by the delegations of 9 States. The basic features of the Protocol are the following: substantial increase of the limits of liability stipulated in Article 11 of the Rome Convention of 1952; the limits of liability are expressed in the terms of Special Drawing Rights but the reference to the "monetary unit" is preserved for those States which are not Members of the International Monetary Fund; the provisions of Chapter III relating to the security for the operator's liability have been substantially simplified; the scope of applicability of the Convention as amended was redefined so as to encompass also the case of aircraft leased, chartered or interchanged whose operator has his principal place of business or his permanent residence in a Contracting State; a new article was inserted stipulating that the Convention shall not apply to nuclear damage.

4. UNLAWFUL INTERFERENCE WITH INTERNATIONAL CIVIL AVIATION AND ITS FACILITIES

The Committee on Unlawful Interference with International Civil Aviation and its Facilities held 19 meetings during the year. The Committee examined proposals from States for amendments to Annex 17—Security and the problems concerning the authority and responsibility of the pilot-in-command during acts of unlawful interference. On the basis of the Report presented by the Committee and the views expressed by the Air Navigation Commission, the Council, at its 94th Session on 29 June 1978, decided to refer this question to the Legal Committee and requested the latter to study this item within the framework of Item 6, Part A, of its Work Programme (Legal Status of the Aircraft Commander) and to decide on the priority of this item.

As a result of the recommendations made by the Committee with regard to Annex 17, and taking into account the comments of Contracting States and interested international organizations who had been consulted on these matters, the Council adopted Amendment 3 to Annex 17 on 13 December 1978. The Council prescribed 13 April 1979 as the date on which the said Amendment shall become effective. The date of applicability, to the extent that this Amendment or parts thereof would have become effective, was set at 29 November 1979.

5. 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*²⁵¹

As of March 1, 1979, eighty States had signed the Convention,²⁵² Comoros, Papua New Guinea, Philippines and Rwanda being the most recent signatories. Seventy-five States had taken the final step toward becoming Contracting States by depositing instruments of ratification.²⁵³

The Additional Facility

On September 27, 1978, the Administrative Council of the Centre authorized the Secretariat to administer at the request of the parties concerned certain proceedings between States and nationals of other States which fall outside the scope of the Convention on the Settlement of Investment Disputes between States and Nationals of Other States. They are (i) conciliation or arbitration proceedings for the settlement of investment disputes arising between parties one of which is not a Contracting State or a national of a Contracting State; (ii) conciliation or arbitration proceedings between parties at least one of which is a Contracting State or a national of a Contracting State for the settlement of disputes that do not directly arise out of an investment; and (iii) fact-finding proceedings. The scope within which, and the terms on which, the Secretariat may administer these proceedings, which would of course not be governed by the provisions of the Convention, are set out in the Additional Facility Rules (Document ICSID/11). They provide, among other things that the Additional Facility will not be available for the settlement of ordinary commercial disputes. In that connection the Council recorded its view that economic transactions which may or may not depending on their terms, be regarded by the parties as investments for purposes of the Convention; involve long-term relationships or the commitment of substantial resources on the part of either party; and are of special importance to the economy of the State party, can be clearly distinguished from ordinary commercial contracts. Examples of such transactions may be found in various forms of industrial co-operation agreements and major civil works contracts. The Additional Facility Rules also contain provisions designed to ensure that parties do not seek recourse to the Additional Facility in cases coming within the competence of the Centre pursuant to the provisions of the Convention. There are also four schedules: the Administrative and Financial Rules (Additional Facility), the Conciliation (Additional Facility) Rules, the Arbitration (Additional Facility) Rules, and the Fact-Finding (Additional Facility) Rules.

Disputes Submitted to the Centre

On March 20, 1978, the Centre registered a request for arbitration between *Guadalupe Gas Products Corp.*, a U.S. company, and the *Federal Military Government of Nigeria*. The parties are in the process of appointing the members of the tribunal.

In the cases of *Holiday Inns/Occidental Petroleum vs. Government of Morocco* and *Government of Gabon vs. Société SERETE S.A.*, the proceedings were discontinued at the request of the parties.

The cases of *Société Ltd. Benvenuti et Bonfant SRL vs. Government of the People's Republic of Congo* and *AGIP SpA vs. Government of the People's Republic of Congo* are still pending before the Centre.

²⁵¹ Reproduced in the *Juridical Yearbook*, 1966, p. 196.

²⁵² The Convention on the Settlement of Investment Disputes between States and Nationals of Other States is reproduced in the *Juridical Yearbook* 1966, p. 196.

²⁵³ The list of Contracting States and Other Signatories of the Convention is reproduced in Document ICSID/3.

6. INTERNATIONAL MONETARY FUND

Extensive changes of the Articles of Agreement of the International Monetary Fund took place in 1978 with the entry into force of the Second Amendment to these Articles on April 1, 1978. The Amendment entered into force for all members of the Fund when it had been accepted by three-fifths of the members having four-fifths of the total voting power. Important changes have been made in the provisions of the Articles relating to: the exchange arrangements that members may maintain; the role of gold and the SDR in the international monetary system; the financial operations and transactions of the Fund; and the establishment of a Council.

During the two years required for the acceptance of the proposed Second Amendment, the Legal Department of the Fund worked on extensive revisions of the By-Laws, Rules and Regulations of the Fund and general decisions that were necessitated by the modifications of the Articles of Agreement. The amendments of the By-Laws took effect on June 13, 1978, after adoption by the Board of Governors and revised Rules and Regulations were adopted by the Executive Board and became effective on the same date as the Second Amendment.

Changes in the Fund's General Arrangements to Borrow were also made to conform that legal instrument to the provisions of the Second Amendment.

The major legal activities and decisions of the International Monetary Fund are summarized below:

SECOND AMENDMENT OF THE ARTICLES OF AGREEMENT

The main themes of the modifications of the Articles made by the Second Amendment can be summarized under the following headings:

- (a) Exchange arrangements of each member's choice; the possible adoption of particular general arrangements; and the possible adoption of a system of par values that members will have an option to participate in; subject at all times to general obligations and firm surveillance by the Fund.

The provisions on exchange arrangements recognize that the essential purpose of the international monetary system is to provide a framework that both facilitates the exchange of goods, services, and capital among countries and sustains sound economic growth, and that a principal objective is the continuing development of the orderly underlying conditions that are necessary for financial and economic stability. Members undertake a general obligation to collaborate with the Fund and with other members in order to assure orderly exchange arrangements and to promote a stable system of exchange rates. Members must perform this obligation by observing certain specified undertakings with respect to domestic and external economic and financial policies.

The general obligation and specified undertakings apply to all members at all times. Members are free, however, to apply the exchange arrangements of their choice. The Fund will be able, by decisions taken with an eighty-five per cent majority of the total voting power, to recommend exchange arrangements that accord with the development of the international monetary system, but members will continue to have the right to choose their own arrangements.

The Fund is required to oversee the international monetary system in order to ensure its effective operation and to oversee the observance by each member of its obligations.

The Fund may determine, by the majority already referred to, that international economic conditions permit the introduction of a system based on stable but adjustable par values, whereupon provisions governing such a system will apply. Each member will then establish a par value unless it intends to apply other arrangements.

- (b) A reduction in the role of gold, including the disposition of the Fund's own holdings of gold.

The most important changes under this heading are as follows:

- (i) the elimination of the function of gold as the common denominator of the par value system and as the unit of value of the special drawing right;

- (ii) the abolition of the official price of gold;
- (iii) the abrogation of obligatory payments in gold by members to the Fund and by the Fund to members, and elimination of authority for the Fund to accept gold except under decisions taken with a high majority of the total voting power;
- (iv) the requirement that the Fund complete the disposition of fifty million ounces of gold;
- (v) the authorization of the Fund to dispose of the remainder of its gold holdings in various ways by sale on the basis of prices in the market or at the official price in effect before the second amendment;
- (vi) profits on the sale of gold on the basis of prices in the market would be placed in a special account for use in the ordinary operations and transactions of the Fund or for other uses, including those for the special benefit of members with low per capita income;
- (vii) the requirement that the Fund, in its dealings in gold, avoid the management of the price, or the establishment of a fixed price, in the gold market; and
- (viii) the undertaking of members to collaborate with the Fund and with other members in order to ensure that their policies with respect to reserve assets will be consistent with the objectives of promoting better international surveillance of international liquidity and making the special drawing right the principal reserve asset in the international monetary system.

Many of the powers that the Fund may exercise under this heading (b) are subject to a majority of eighty-five per cent of the total voting power.

- (c) Changes in the characteristics and expansion of the possible uses of the special drawing right so as to assist it to become the principal reserve asset of the international monetary system.

Numerous changes have been made in the provisions dealing with the special drawing right in order to modify its characteristics and extend its usability. Some of the most important modifications are listed below:

- (i) participants will be able to enter into transactions by agreement without the necessity for decisions by the Fund, and a participant transferring special drawing rights in such a transaction need not observe the requirement of need that is included in the Articles;
- (ii) the Fund may authorize operations between participants that are not otherwise provided for by the Articles, subject to appropriate safeguards;
- (iii) the Fund may review the rules for reconstitution of participants' holdings of special drawing rights at any time and may adopt, modify, or abrogate the rules by a lower majority of the total voting power than is necessary at present (seventy instead of eighty-five per cent);
- (iv) the possible uses of special drawing rights in operations and transactions conducted through the General Department of the Fund have been expanded;
- (v) the Fund may broaden the categories of other holders of special drawing rights, although not beyond official entities, and the operations and transactions in which they may engage.
- (d) Simplification and expansion of the types of the Fund's financial operations and transactions, particularly those conducted through the General Department

The opportunity has been taken to incorporate in the Articles certain policies and practices that experience has proved to be useful. A leading example is the Fund's policy on repurchase, which is designed to ensure that the use of the general resources will not extend beyond three to five years, unless a longer period is permitted under a special policy on use. The detailed formulae of the present Articles on repurchase and on the calculation of monetary reserves that governed the accrual of repurchase obligations and distribution among reserves have been deleted.

Provisions have been adopted to ensure that the Fund's holdings of the currencies of all members will be usable by the Fund in its operations and transactions in accordance with its policies.

Similarly, members will be able to obtain the currencies of other members when they have been specified by the Fund for repurchase. Appropriate safeguards are adopted for members.

Among other changes in relation to the use of the general resources of the Fund is the more extensive authority it will have to permit members to engage in transactions under special policies without at the same time foregoing their reserve tranche positions (formerly gold tranche positions).

(e) The possible establishment of the Council as a new organ of the Fund.

The Board of Governors may decide, by an eighty-five per cent majority of the total voting power, to call a new organ of the Fund, the Council, into being if this action is deemed appropriate. This organ would resemble the present Interim Committee of the Board of Governors in composition and terms of reference. It would differ from the Committee in that it would have powers of decision and not solely advisory authority. If the Board of Governors were to decide that the Council should be established, detailed provisions governing the Council would begin to apply.

(f) Certain improvements in organizational aspects of the Fund.

The provisions governing the election of Executive Directors have been brought up to date by the incorporation of the present number of elective Executive Directors in the Articles, together with authority to modify the number by a high majority of the total voting power. In addition, a member entitled to appoint an additional Executive Director in certain circumstances may decide to participate in the election of Executive Directors instead of making an appointment. It is also provided that if the member does make an appointment, it may arrange with individual members in its former "constituency" to have the Executive Director it appoints cast the number of votes allotted to them.

Other major improvements under this heading are the clarification and simplification of the distribution and delegability of powers among the organs of the Fund and the reduction of the categories of special majorities to seventy per cent and eighty-five per cent (and in one instance an absolute majority). Special majorities would apply to a wide range of decisions beyond those that have been noted already under (b) above.

QUOTAS

Adoption by the Board of Governors of a Resolution on increases in members' quotas in December 1978, completed the Seventh General Review of Quotas in the Fund, which began in 1976. The increases will become effective for members that have notified the Fund of their consents and have paid their increased subscriptions, provided that consents have been received from members having 75 per cent of total present quotas. Members will have until November 1980 to consent to increases in their quotas.

ALLOCATION OF SPECIAL DRAWING RIGHTS

Following consultations required under the Articles of Agreement to establish that there is broad support for the proposal among members, the Managing Director made a proposal for allocation of special drawing rights for the third basic period, in which he concluded that there was a long-term global need to supplement existing reserve assets. The Executive Board concurred in the proposal and the Board of Governors was requested to vote on a proposed Resolution. The Board of Governors of the Fund adopted, effective December 11, 1978, Resolution No. 34-3 providing for allocations of SDR 4 billion to be made in each of the three years 1979 to 1981.

BORROWING

Since 1973, the Fund has supplemented its own resources by substantial borrowing from some of its members and Switzerland, and institutions in their territories. In November 1978, the Fund borrowed from two participants in the General Arrangements to Borrow to finance a reserve tranche purchase by the United States. The General Arrangements to Borrow was used on prior occasions to help finance exchange transactions with France, Italy, and the United Kingdom.

A Supplementary Financing Facility was established by a decision of the Executive Board of August 29, 1977 to enable the Fund to provide supplementary financing in conjunction with the use

of the Fund's ordinary resources to members facing serious payments imbalances that are large in relation to their quotas and needing longer periods for adjustment and repurchase than under the credit tranche policy. The Facility became effective on February 23, 1979 with the completion of agreements with 13 lenders under which the Fund could borrow a total amount equivalent to SDR 7.754 billion to finance purchases under the Facility.

TRUST FUND

The Trust Fund completed its first two-year period on June 30, 1978. The Trust Fund provides additional balance of payments assistance on concessionary terms to eligible developing members. The resources available to the Trust Fund are the profits realized from the sales of 12.5 million ounces of the Fund's gold that was agreed would be sold for the benefit of developing members, and the income from the investments of these proceeds.

TRAINING AND TECHNICAL ASSISTANCE

The Fund continued to provide training and technical assistance to member countries in various stages of development. The Legal Department has collaborated with the Central Banking Service of the Fund in the central banking and related fields in the preparation and modification of central banking and general banking legislation. The Legal Department has also provided technical assistance to member countries in the field of taxation.

The IMF Institute provides training to officials of member governments in financial analysis and policy, public finance, balance of payments methodology and government finance statistics. Members of the staff of the Legal Department have assisted in the principal course, financial analysis and policy, in presenting an exposition of the Fund's policies and procedures.

RELATIONS WITH OTHER INTERNATIONAL ORGANIZATIONS

Members of the staff of the Legal Department continued to cooperate with the United Nations Commission on International Trade Law Study Group on International Payments. Members also attended international conferences at which subjects of interest to the Fund were discussed, such as the United Nations Conference on the Carriage of Goods by Sea, International Law Association meeting, and a seminar organized by the Center for Latin American Monetary Studies (CEMLA).

7. WORLD HEALTH ORGANIZATION

CONSTITUTIONAL AND LEGAL DEVELOPMENTS

On 10 March 1978, Djibouti, already a member of the United Nations, became a Member of the World Health Organization by depositing a formal instrument of acceptance of the Constitution of the World Health Organization with the Secretary-General of the United Nations.

The Thirty-first World Health Assembly adopted on 18 May 1978 an amendment of Article 74 of the Constitution of the World Health Organization (resolution WHA31.18). The amendment provides for an Arabic authentic text in addition to the Chinese, English, French, Russian and Spanish texts. A first instrument of acceptance of this amendment was deposited by Saudi Arabia on 30 October 1978.

During 1978, 18 instruments of acceptance of the amendment to Articles 24 and 25 of the Constitution of 17 May 1976 (increasing the membership of the Executive Board from 30 to 31) have been deposited with the Secretary-General of the United Nations. The total number of such instruments was thirty-six at the end of 1978.

HEALTH LEGISLATION

WHO publishes a quarterly journal, the *International Digest of Health Legislation*, in separate English and French editions. This periodical is concerned mainly with national legislation (and, increasingly, international instruments) on all aspects of health that are the concern of the Organization, including environmental health, population policies, and drug dependence. Texts of legislation from as wide a range of countries as possible are published in full or in summary form in the *Digest*, as well as information on international and regional conventions and agreements in the health field, surveys of legislation on selected health topics, and reviews of new books on health legislation subjects. A number of additional reviews are being commissioned for future publication, notably problems of drug regulation in developing countries, measures to promote the health of adolescents, problems in the harmonization of health legislation at the regional level, legal obstacles to family planning in developing countries, and regulation of drug abuse in developing countries.

As a result of resolution WHA30.44 adopted by the World Health Assembly in May 1977, calling for the strengthening of WHO's health legislation programme, the future role of the *Digest* and other health legislation activities is now under study. Questionnaires on this topic were sent through WHO's regional offices to all Member States, and three consultants were appointed to gather information in the regional offices and in selected countries. Their reports and recommendations are under consideration prior to the Director-General submitting his report to the governing bodies of WHO in 1980 in accordance with resolution WHA30.44.

An information service on health legislation is provided for Member Governments and other organizations within and outside the United Nations system.

In November-December 1978 the Council for International Organizations of Medical Sciences (a nongovernmental organization closely associated with WHO), held a Round Table Conference in Lisbon on "Medical Experimentation and the Protection of Human Rights", which gave considerable attention to legislative and regulatory problems.

8. WORLD METEOROLOGICAL ORGANIZATION

MEMBERSHIP OF THE ORGANIZATION

The following countries deposited their instruments of accession to the Convention of the World Meteorological Organization during 1978. The date of deposit and the effective date of membership are indicated in each case, in chronological order:

State	Date of deposit of the instrument of accession	Date of membership
Guinea-Bissau	15 December 1977 (under Article 3(b) of the Convention)	14 January 1978
Maldives	1 June 1978 (under Article 3(b) of the Convention)	1 July 1978
Djibouti	30 June 1978 (under Article 3(b) of the Convention)	30 July 1978
Gambia	2 October 1978 (under Article 3(b) of the Convention)	1 November 1978

AGREEMENTS AND WORKING ARRANGEMENTS

Working Arrangements with the Arab Centre for the Studies of Arid Zones and Dry Lands (ACSAD), Damascus

The twenty-ninth session (1977) of the Executive Committee considered a request for the establishment of a formal working arrangement with WMO which had been received from the Arab Centre for the Studies of Arid Zones and Dry Lands (ACSAD), Damascus. The Committee ap-

proved the substance of the text of a letter to be sent to ACSAD as the basis for the formal working arrangement with WMO. The working arrangement was completed and it came into force on 20 February 1978. The relevant texts are included in the WMO publication (WMO-No. 60), entitled "Agreements and Working Arrangements with other international organizations".

Agreement for Joint Financing of North Atlantic Ocean Stations

Cuba became a Contracting Party to the Agreement as at 1 July 1978 thereby increasing the number of Contracting Parties to Agreement to 15.

9. INTER-GOVERNMENTAL MARITIME CONSULTATIVE ORGANIZATION

1. INTERNATIONAL CONFERENCES CONVENED BY IMCO IN 1978

(a) *International Conference on Tanker Safety and Pollution Prevention, 1978*

The Conference was held in London from 6 to 17 February 1978 and adopted the Protocol of 1978 relating to the International Convention for the Safety of Life at Sea, 1974 and the Protocol of 1978 relating to the International Convention for the Prevention of Pollution from Ships, 1973.²⁵⁴

(b) *International Conference on Training and Certification of Seafarers, 1978*

The Conference was held in London from 14 June to 7 July 1978 and adopted the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978. In addition, it adopted also a number of recommendations and resolutions.

2. THIRD CONSULTATIVE MEETING OF THE CONTRACTING PARTIES TO THE CONVENTION ON THE PREVENTION OF MARINE POLLUTION BY DUMPING OF WASTES AND OTHER MATTER

The Contracting Parties to the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter adopted at their Third Consultative Meeting on 12 October 1978 resolution LDC Res. 5 (III) concerning the prevention and control of pollution by incineration of wastes and other matter at sea and resolution LDC Res. 6 (III) concerning procedures for the settlement of disputes. By resolution LDC Res. 5 (III) the Contracting Parties adopted a number of amendments to the Annex to the Convention and by resolution LDC Res. 6 (III) a number of amendments to the Convention itself.²⁵⁵

3. DECISIONS AND OTHER LEGAL ACTIVITIES

During 1978, the Legal Committee considered *inter alia*:

- (1) Questions relating to a draft convention on liability and compensation in connexion with the carriage of noxious and hazardous substances by sea;
- (2) Questions relating to the legal status of novel type of craft, such as air-cushion vehicles, operating in the marine environment;
- (3) Legal questions arising from the "Amoco Cadiz" disaster.

²⁵⁴ The Convention is reproduced in the *Juridical Yearbook*, 1973, p. 81.

²⁵⁵ The amendment annexed to resolution LDC Res. 5 (III) entered into force, in accordance with the terms of the resolution and article XV, 2 of the Convention, on 11 March 1979.