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UNITED NATIONS JURIDICAL YEARBOOK

1979

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

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Chapter III

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

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

1. DISARMAMENT AND RELATED MATTERS¹

(a) Comprehensive approaches to disarmament

(i) *General and complete disarmament*

General and complete disarmament under effective international control remains the goal of the United Nations in the disarmament field. Facing the reality of the continuing arms race and the great distance which separates the world from that goal, Member States have tended to focus in recent years on efforts to achieve a turning-point — a slowing down and cessation of the arms race — from which the first steps to real disarmament could be implemented while taking into account the valid security needs of States. A wide variety of ideas has been advanced and a great deal of work is being directed towards this more limited objective in the hope that it may be reached in the foreseeable future.

First substantive session of the Disarmament Commission

During the deliberations in the plenary meetings of the first substantive session of the Disarmament Commission held in May-June 1979² general and complete disarmament was referred to in one way or another by many representatives often as the accepted end-point towards which all disarmament efforts must lead, or in connexion with the development of a comprehensive programme of disarmament. In the recommendations contained in its report to the General Assembly³ the Commission stated that general and complete disarmament, which had been advocated by the General Assembly of the United Nations for nearly two decades, must continue to be the ultimate goal of all endeavours undertaken in the sphere of disarmament. The comprehensive programme of disarmament, it went on to say, should be a carefully worked out package of interrelated measures in the field of disarmament which would lead the international community towards the goal of general and complete disarmament under effective international control.

Consideration by the Committee on Disarmament

At its 1979 session the Committee on Disarmament clearly enshrined its commitment to promotion of the attainment of general and complete disarmament in the introduction to its agenda and in area X thereof which dealt with a comprehensive programme of disarmament and, in that connexion, included the words “leading to general and complete disarmament under effective international control”. Some other areas, such as reduction of military budgets, reduction of armed forces and disarmament and international security, are also connected to the ultimate goal. Although since early in the debate of the Committee many members expressed their Governments’ over-all

¹ This summary has been prepared on the basis of *The United Nations Disarmament Yearbook*, vol. 4: 1979 (United Nations publication, Sales No. E.80.IX.6)

² See A/CN.10/PV.9-22 and A/CN.10/PV.9-22/Corrigendum.

³ *Official Records of the General Assembly, Thirty-fourth Session, Supplement No. 42 (A/34/42)*, para. 19.

views relating to the arms race and general disarmament,⁴ the Committee did not reach a stage where it could cover the area concerning the comprehensive programme in its programme of work. Consequently, general and complete disarmament was noted only in the context of broad views and positions.

Consideration by the General Assembly

In the 1979 debates in the General Assembly, both in the plenary meetings and in the First Committee,⁵ the recognition of general and complete disarmament as the essential end-goal was frequently reaffirmed by States from all political and geographical groupings. In the First Committee, six separate draft resolutions were introduced under the agenda item entitled "General and complete disarmament" and all were later adopted by the General Assembly as resolutions 34/87 A to F on 11 December 1979. Resolution A on radiological weapons and resolution F on strategic arms limitation talks are referred to under the respective headings of the present summary.

By resolution C on non-stationing of nuclear weapons the General Assembly, *inter alia*, considered that the non-stationing of nuclear weapons on the territories of States where there are no such weapons at present would constitute a step towards the larger objective of the subsequent complete withdrawal of nuclear weapons from the territories of other States, thus contributing to the prevention of the spread of nuclear weapons, leading eventually to the total elimination of nuclear weapons; the Assembly also believed it necessary to examine possibilities for an international agreement on the non-stationing of nuclear weapons on the territories of States where there are no such weapons at present, requesting the views of Member States on the possibility of such an agreement.⁶

By resolution D on the prohibition of fissionable material for weapons purposes, the Assembly, *inter alia*, considered that the cessation of production of fissionable material for weapons purposes and the progressive conversion and transfer of stocks to peaceful uses would be a significant step towards halting and reversing the nuclear arms race as well as the prohibition of the production of fissionable material for nuclear weapons and other nuclear explosive devices.⁷

By resolution B on confidence-building measures, the Assembly, *inter alia*, recognizing the need and urgency of first steps to diminish the danger of armed conflicts resulting from misunderstandings or from misinterpretations of military activities, and reaffirming its conviction that commitment to confidence-building measures could contribute to strengthening the security of States, recommended that all States should continue to consider arrangements for specific confidence-building measures, taking into account the specific conditions and requirements of each region; it also decided to undertake a comprehensive study on confidence-building measures, requesting the Secretary-General to carry it out with the assistance of a group of governmental experts.⁸

Finally, by resolution E the General Assembly reaffirmed the central role and primary responsibility of the United Nations in the field of disarmament and, *inter alia*, decided to request the Secretary-General to carry out, with the assistance of qualified governmental experts, a comprehensive study assessing present institutional requirements and future estimated needs in the United Nations management of disarmament affairs.⁹

⁴ See CD/53 and Corr.1, appendix IV, vols. I-III, documents CD/PV.1-52.

⁵ *Official Records of the General Assembly, Thirty-fourth Session, Plenary Meetings*, 1st, 5th-32nd and 97th meetings; *ibid.*, *Thirty-fourth Session, First Committee*, 4th-44th meetings, and *ibid.*, *First Committee, Sessional Fascicle*, corrigendum.

⁶ Resolution 34/87 C, adopted by a recorded vote of 99 to 18, with 19 abstentions.

⁷ Resolution 34/87 D, adopted by a recorded vote of 118 votes to 9, with 12 abstentions.

⁸ Resolution 34/87 B, adopted without a vote.

⁹ Resolution 34/87 E, adopted by a vote of 121 to 9, with 9 abstentions.

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

During 1979, much of the activity of member States represented in the three major bodies — the Disarmament Commission, the Committee on Disarmament and the General Assembly — was directed towards setting in motion the disarmament machinery provided for in the Final Document of the special session, in order to enable that machinery to work towards implementation of the concrete measures of disarmament and other recommendations of the Assembly deriving from that session. Because of the different natures of the Disarmament Commission and the Committee on Disarmament, the former, after having settled procedural matters, was able to devote detailed attention to substantive issues on its agenda; its most important achievement was to reach agreement by consensus on the elements of a comprehensive programme of disarmament.¹⁰ The latter body, however, had to devote most of the first part of its session to establishing its rules of procedure and its agenda and programme of work. It was mainly during the second part of its session that the Committee was able to initiate in-depth consideration of various substantive items.¹¹

The General Assembly, for its part, overwhelmingly welcomed the results of the special session and reiterated its determination to promote arms regulation and disarmament efforts. However, a number of States expressed concern over the slow pace of disarmament negotiations and the paucity of results achieved so far.¹² In 1979, the General Assembly again adopted a large number of resolutions under the item concerning the question of follow-up of the special session on disarmament.¹³ The agenda item has served both as a means of keeping issues on which agreement was reached at the special session alive and up to date, and as a vehicle for dealing with proposals placed before the special session which were not dealt with fully at the time or on which agreement was not reached.

Thus the activities in the area of follow-up in the various bodies are designed, first, to provide continuation of action on both new and established issues in accordance with the provisions of the Final Document of the special session and subsequent Assembly resolutions and, secondly, in a broader perspective, to identify areas of particular concern and thus enhance the search for more substantial results in the attempt to curb and reverse the arms race.

(iii) *Development of a comprehensive programme of disarmament*

The General Assembly, at its tenth special session, had decided to establish the Disarmament Commission as a deliberative body open to all States Members of the United Nations and to have it consider and recommend to the Assembly the elements of a comprehensive programme of disarmament.¹⁴ By that decision the Assembly squarely placed the responsibility for accomplishing the first stage of the long-standing task of developing a comprehensive programme of disarmament with the new deliberative body and that for negotiating details with the Committee on Disarmament.

In 1979 the new deliberative body, the Disarmament Commission, was virtually fully occupied during its substantive session with its responsibilities in connexion with the comprehensive

¹⁰ *Official Records of the General Assembly, Thirty-fourth Session, Supplement No. 42 (A/34/42).*

¹¹ *Ibid.*, Supplement No. 27 (A/34/27 and Corr.1).

¹² *Ibid.*, Thirty-fourth Session, Plenary Meetings, 5th-32nd and 97th meetings; *ibid.*, Thirty-fourth Session, First Committee, 4th-44th meetings; and *ibid.*, First Committee, Sessional Fascicle, corrigendum.

¹³ See General Assembly resolutions 34/83 A to M of 11 December 1979, on disarmament and international security (A), on the report of the Committee on Disarmament (B), on implementation of the recommendations and decisions of the tenth special session (C), on the United Nations programme of fellowships on disarmament (D), on the monitoring of disarmament agreements and strengthening of international security (E), on the freezing and reduction of military budgets (F), on the non-use of nuclear weapons and prevention of nuclear war (G), on the report of the Disarmament Commission (H), on Disarmament Week (I), on nuclear weapons in all aspects (J), on study on the relationship between disarmament and development (K), on the Committee on Disarmament (L), and on the programme of research and studies on disarmament (M) respectively. Also connected with this question is Assembly decision 34/422 concerning the study on the question of a comprehensive nuclear test ban.

¹⁴ See *Juridical Yearbook*, 1978, pp. 46-54.

programme of disarmament. To facilitate its task, the Commission had for guidance the Final Document of the special session reflecting the consensus position of the General Assembly, as well as information on a number of other proposals which was conveyed to the Commission so that it could take them into account.

In connexion with the programme, the Commission, in 1979, fulfilled its mandate by adopting by consensus the elements of a comprehensive programme of disarmament. It also recorded, in the context of its recommendations, the fact that in certain subject areas proposals were put forward on which consensus could not be reached.¹⁵

Most delegations participating in the debate on the report of the Disarmament Commission in the First Committee expressed gratification that the Commission had reached agreement on the elements of a comprehensive programme of disarmament. Many also considered that the Disarmament Commission had carried out successfully the mandate entrusted to it by the General Assembly in the Final Document of its tenth special session.¹⁶

By its resolution 34/83 H¹⁷ the General Assembly, *inter alia*, endorsed the report of the Disarmament Commission and the recommendations contained therein on the elements of a comprehensive programme on disarmament and requested the Commission to continue its work in accordance with its mandate as set down in paragraph 118¹⁸ of the Final Document of the Tenth Special Session as well as to continue with the aim of elaborating, within the framework and in accordance with the priorities established at the tenth special session, a general approach to negotiations on nuclear and conventional disarmament.

(iv) *Adoption of a declaration on international co-operation for disarmament*

On the basis of a proposal submitted by Czechoslovakia,¹⁹ the Assembly decided to include on its agenda, for the first time, an item entitled "Adoption of a declaration on international co-operation for disarmament". By its resolution 34/88 of 11 December 1979, adopted by a vote of 116 votes to none, with 27 abstentions, the Assembly, *inter alia*, solemnly called upon all States actively to promote the development, strengthening and intensification of international co-operation designed to achieve the goals of disarmament as defined by the General Assembly at its tenth special session and urged all States to improve further the international climate required for the full implementation of the Final Document of the Tenth Special Session of the General Assembly, to accelerate the progress of the appropriate disarmament negotiations and to strive to achieve concrete measures of disarmament.

(v) *World Disarmament Conference*

In 1979 the *Ad Hoc* Committee on the World Disarmament Conference met again, pursuant to General Assembly resolution 33/69, and held two sessions. In its report to the General Assembly,²⁰ the *Ad Hoc* Committee noted that although the idea of a world disarmament conference had received wide support among the States Members of the United Nations, no consensus with respect to the convening of such a conference had yet been reached among the nuclear-weapon States, whose participation had been deemed essential by most States Members of the Organization. It added that the Assembly might wish to decide that, after its second special session devoted to disarmament, a world disarmament conference would take place as soon as the necessary consensus on its convening had been reached. The General Assembly, by resolution 34/81 of 11 December 1979,

¹⁵ *Official Records of the General Assembly, Thirty-fourth Session, Supplement No. 42 (A/34/42)*, and A/CN.10/PV.10-22 and A/CN.10/PV.9-22/Corrigendum.

¹⁶ *Ibid.*, *Thirty-fourth Session, First Committee*, 4th-40th meetings, and *ibid.*, *First Committee, Sessional Fascicle*, corrigendum.

¹⁷ Resolution 34/83 H of 11 December 1979, adopted without a vote.

¹⁸ See *Juridical Yearbook*, 1978, p. 53.

¹⁹ Letters dated 18 June and 12 September 1979 from Czechoslovakia addressed to the Secretary-General of the United Nations (A/34/141 and Add.1).

²⁰ *Official Records of the General Assembly, Thirty-fourth Session, Supplement No. 28 (A/34/28)*.

adopted without a vote, *inter alia*, noted with satisfaction the latter part of the report of the *Ad Hoc* Committee quoted above and further renewed the mandate of the *Ad Hoc* Committee, requesting it to maintain close contact with the representatives of the States possessing nuclear weapons in order to remain currently informed of their attitudes, as well as with all other States.

(vi) *Consideration of the declaration of the 1980s as a disarmament decade*

In 1979, the General Assembly, pursuant to its resolution 33/62 of December 1978, included in its agenda the item entitled "Consideration of the declaration of the 1980s as a disarmament decade". In the general debate held both in the plenary meetings and in the First Committee,²¹ there was a general atmosphere of disappointment that the purposes and objectives of the First Disarmament Decade had not been better realized. The Assembly, by resolution 34/75 of 11 December 1979, adopted without a vote, decided, *inter alia*, to declare the decade of the 1980s as the Second Disarmament Decade and directed the Disarmament Commission, at its substantive session of 1980, to prepare elements of a draft resolution entitled "Declaration of the 1980s as the Second Disarmament Decade" and to submit them to the General Assembly at its thirty-fifth session for consideration and adoption.

(b) Nuclear disarmament

(i) *Nuclear arms limitation and disarmament*

In 1979, the Disarmament Commission,²² the Committee on Disarmament²³ and the General Assembly²⁴ attempted to work out an acceptable approach for the implementation of the recommendations and decisions adopted by the General Assembly at its tenth special session.

The deliberations revealed some progress towards achieving mutual agreement on adopting a comprehensive approach to a process of nuclear disarmament whose elements would be implemented in careful stages. A notable achievement was the agreement reached by the Disarmament Commission on the elements of the comprehensive programme. Divergent views persisted, however, on such questions as priorities, undiminished security at all stages, and the relationship between nuclear and conventional disarmament.

There was also some progress towards agreement that if nuclear disarmament was to be realized, it would have to be pursued in a global context through such bodies as the Committee on Disarmament. At the same time, it was accepted that bilateral and other negotiations outside of that body should continue, with the participants in such negotiations keeping the multilateral negotiating body informed. Both the desirability of the participation of all nuclear-weapon States in efforts to curb the nuclear arms race and the special responsibility of the two leading Powers were recognized. Agreement was not reached, however, on how best to revitalize the negotiating process. Among the reasons that no consensus was reached was disagreement as to how the negotiations should proceed and what they should cover as well as on the relationship between nuclear and conventional disarmament and the need for parallel progress on both.

The differences of viewpoints as to how best to proceed were evident also in the General Assembly, where the idea of dealing with nuclear weapons in all aspects was put forward and at the same time the established items concerning nuclear disarmament continued to receive concerted attention.

One factor that was agreed upon was that nuclear disarmament would enhance confidence among all States, particularly those not possessing nuclear weapons. In addition, there was full

²¹ *Ibid.*, Thirty-fourth Session, Plenary Meetings, 5th-32nd and 97th meetings; *ibid.*, Thirty-fourth Session, First Committee, 4th-37th meetings; and *ibid.*, First Committee, Sessional Fascicle, corrigendum.

²² *Ibid.*, Thirty-fourth Session, Supplement No. 42 (A/34/42).

²³ *Ibid.*, Supplement No. 27 (A/34/27 and Corr.1).

²⁴ *Ibid.*, Thirty-fourth Session, Plenary Meetings, 5th-32nd and 97th meetings; *ibid.*, Thirty-fourth Session, First Committee, 11th-44th meetings; and *ibid.*, First Committee, Sessional Fascicle, corrigendum.

agreement that political will was needed to curb the nuclear arms race and implement nuclear disarmament measures in the context of a comprehensive programme of disarmament.²⁵

(ii) *Strategic arms limitation talks*

As in previous years, the SALT negotiations between the United States and the Soviet Union received particular attention in the General Assembly in 1979, both in plenary meetings and in the First Committee.²⁶ This time, however, the consideration of the issue was markedly influenced by the results achieved in the negotiations. By resolution 34/87 F, adopted without a vote on 11 December 1979, the General Assembly, *inter alia*, noted that it had not been possible for the Treaty on the Limitation of Strategic Offensive Arms (SALT II) to go beyond certain limitations which, taken together, permit considerable increments, both quantitatively and qualitatively, in relation to the levels of the nuclear arsenals existing at present; the Assembly also welcomed the agreement reached by both parties with a view to (a) continuing to pursue negotiations in accordance with the principle of equality and equal security, on measures for the further limitation and reduction in the number of strategic arms, as well as for their further qualitative limitation, and (b) endeavouring in such negotiations to achieve, *inter alia*, significant and substantial reductions in the numbers of strategic offensive arms as well as qualitative limitations on strategic offensive arms, including restrictions on the development, testing and deployment of new types of strategic offensive arms and on the modernization of existing strategic offensive arms.²⁷

(iii) *Cessation of nuclear-weapons tests*

In 1979, for the first time, the General Assembly specifically requested the Committee on Disarmament to initiate negotiations on a treaty prohibiting all nuclear test explosions by all States for all time "as a matter of the highest priority".²⁸ Also for the first time it invited Governments to contribute to the development of co-operative measures to detect seismic events. At the same time the Assembly again called upon the three negotiating States to use their best endeavours to bring their negotiations to a positive conclusion.²⁹

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

The discussion on the question of guarantees of the security of non-nuclear-weapon States during 1979 revealed continued and strong support of the majority of States for arrangements aimed at strengthening such guarantees. Some non-nuclear-weapon States continued to express doubts concerning the effectiveness of unilateral declarations on security measures given by nuclear-weapon States.³⁰

The adoption by the General Assembly of three resolutions dealing with the consideration of the strengthening of guarantees of the security of non-nuclear-weapon States, including the possible conclusion of an international convention on the subject, indicates growing understanding among both nuclear and non-nuclear-weapon States on the need for further consideration of the question in order to reach agreement on suitable international arrangements for the stronger security guarantees which are being sought.

²⁵ See General Assembly resolutions 34/83 G and 34/83 J, 34/87 C, 34/87 D and 34/89 D, of 11 December 1979.

²⁶ See *Official Records of the General Assembly, Thirty-fourth Session, Plenary Meetings*, 5th-32nd and 97th meetings; *ibid.*, *Thirty-fourth Session, First Committee*, 4th-44th meetings; and *ibid.*, *First Committee, Sessional Fascicle*, corrigendum.

²⁷ See General Assembly resolution 34/87 F.

²⁸ See paragraph 4 of resolution 34/73 of 11 December 1979, adopted by a recorded vote of 124 to none, with 13 abstentions (the five nuclear-weapon States and the Eastern European States, except Romania).

²⁹ Resolution 34/73, adopted as a whole by a recorded vote of 137 to none, with 2 abstentions (China and France).

³⁰ See the report of the Disarmament Commission, *Official Records of the General Assembly, Thirty-fourth Session, Supplement No. 42 (A/34/42)*; the report of the Committee on Disarmament, *ibid.*, *Supplement No. 27 (A/34/27 and Corr. 1)*; *ibid.*, *Thirty-fourth Session, Plenary Meetings*, 5th-32nd and 97th meetings; *ibid.*, *First Committee*, 4th-44th meetings; and *ibid.*, *First Committee, Sessional Fascicle*, corrigendum.

In those resolutions, the General Assembly, *inter alia*, requested the Committee on Disarmament to continue the negotiations on this subject on a priority basis during its 1980 session with a view to their early conclusion with the elaboration of a convention to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons;³¹ the Assembly also recommended that the Committee on Disarmament should conclude effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons during its 1980 session.³²

(v) *Nuclear-weapon-free zones*

The concept of nuclear-weapon-free zones and proposals for their establishment in various parts of the world continued in 1979 to receive support from the great majority of Member States. That support was clearly evidenced by the views expressed at various fora, including the Disarmament Commission and the Committee on Disarmament, as well as the General Assembly and its First Committee. The general belief is that the establishment of nuclear-weapon-free zones is a feasible and effective means of preventing the risk of further horizontal proliferation of nuclear weapons and of enhancing security of the countries concerned. However, certain differences in views still exist with respect to the application of the concept in some specific areas.³³

During 1979, with regard to the Treaty of Tlatelolco, there were positive developments in that France signed Additional Protocol I and the Soviet Union ratified Additional Protocol II, thus providing further steps toward full implementation of the Treaty. In particular, with the Soviet action, all nuclear-weapon States became adherents to Additional Protocol II, thus fulfilling an aspiration of the General Assembly. By resolution 34/71 of 11 December 1979, adopted without a vote, the Assembly, *inter alia*, invited France and the United States of America to take all necessary steps in order to secure the ratification of Additional Protocol I at the earliest possible date.³⁴

With regard to the denuclearization of Africa, although the desire for implementation of the Declaration continued, the States of the African region expressed serious concern about their security on the basis of reports that South Africa might have detonated a nuclear explosive device. The discussion led to the adoption of an additional resolution under the item and of a disarmament-related resolution on the question of nuclear collaboration with South Africa.³⁵ The proposal for a nuclear-weapon-free zone in the Middle East also continued to receive widespread support, and that objective was reaffirmed by the General Assembly.³⁶ With regard to the proposal of a nuclear-weapon-free zone in South Asia, the established differences in views among various States, particularly India and Pakistan, continued to exist although the General Assembly endorsed, in principle, the proposal.³⁷

³¹ General Assembly resolution 34/84 of 11 December 1979, adopted by a vote of 114 to 1 (Albania), with 25 abstentions (including the United States and other Western States).

³² General Assembly resolution 34/85 of 11 December 1979, adopted by a vote of 120 to none, with 22 abstentions (including France, India, Japan, the United Kingdom and the United States). See also General Assembly resolution 34/86 of 11 December 1979, adopted by a vote of 110 to 1 (Albania), with 29 abstentions (including the USSR and other Socialist and non-aligned States).

³³ *Official Records of the General Assembly, Thirty-fourth Session, Supplement No. 42 (A/34/42); ibid., Supplement No. 27 (A/34/27 and Corr.1); ibid., Thirty-fourth Session, Plenary Meetings, 5th-32nd and 97th meetings; ibid., Thirty-fourth Session, First Committee, 4th-43rd meetings; and ibid., First Committee, Sessional Fascicle, corrigendum.*

³⁴ See also resolution 34/74 of 11 December 1979, adopted without a vote.

³⁵ See General Assembly resolutions 34/76 A of 11 December 1979, adopted by a vote of 128 to none, with 11 abstentions (Belgium, Canada, France, Germany, Federal Republic of Greece, Israel, Italy, Luxembourg, Netherlands, United Kingdom and United States), 34/76 B of 11 December 1979, adopted without a vote, and 34/93 E of 20 December 1979, adopted by a vote of 119 to 4 (France, Germany, Federal Republic of, United Kingdom and United States), with 18 abstentions.

³⁶ General Assembly resolution 34/77 of 11 December 1979, adopted by a vote of 136 to none, with 1 abstention (Israel).

³⁷ General Assembly resolution 34/78 of 11 December 1979, adopted by a vote of 96 to 2 (Bhutan and India), with 40 abstentions.

(c) Prohibition or restriction of use of other weapons

(i) *Chemical and bacteriological (biological) weapons*

During 1979 the urgency and importance of negotiating an international convention on chemical weapons was again repeatedly emphasized in various international disarmament fora,³⁸ that category of weapons being the principal one not yet subject to a régime of control. A draft agreement, which has been the subject of negotiations between the two major Powers for some time, was not put forward during the year. However, the joint statement of 31 July by the Soviet Union and the United States in the Committee on Disarmament on the status of their ongoing bilateral negotiations was one of the important developments of 1979, and as such was generally welcomed.

The General Assembly expressed regret that no agreement on those weapons had yet been elaborated and urged the Committee on Disarmament to undertake, at the beginning of its 1980 session, as a matter of high priority, negotiations on an agreement on the complete and effective prohibition of the development, production and stockpiling of all chemical weapons and on their destruction.³⁹

With regard to bacteriological weapons, they did not figure prominently in the discussions in 1979, given the expectation that an opportunity would be provided for in-depth consideration of the subject at the 1980 Review Conference of the Parties to the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction.⁴⁰

In the only resolution which referred to the subject, the General Assembly reaffirmed the necessity of strict observance by all States of the principles and objectives of the 1925 Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous and Other Gases, and of Bacteriological Methods of Warfare, and the adherence by all States to the Convention on bacteriological (biological) and toxin weapons.⁴¹

(ii) *New weapons of mass destruction*

During the consideration of the question of the prohibition of the development and manufacture of new weapons of mass destruction and new systems of such weapons in 1979, particularly in the Committee on Disarmament and at the thirty-fourth session of the General Assembly, the necessity for action aimed at the banning of such weapons received wide recognition.⁴²

³⁸ See the report of the Disarmament Commission, *Thirty-fourth Session, Supplement No. 42 (A/34/42)*, in particular, para. 19, sect. III and para. 14.A.2; the report of the Committee on Disarmament, *ibid.*, *Supplement No. 27 (A/34/27 and Corr. 1)*; *ibid.*, *Thirty-fourth Session, Plenary Meetings*, 5th-32nd and 97th meetings; *ibid.*, *Thirty-fourth Session, First Committee*, 4th-40th meetings; and *ibid.*, *First Committee, Sessional Fascicle*, corrigendum.

³⁹ General Assembly resolution 34/72 of 11 December 1979, adopted without a vote.

⁴⁰ Article XII of the Convention provides that:

"Five years after the entry into force of this Convention, or earlier if it is requested by a majority of Parties to the Convention by submitting a proposal to this effect to the Depositary Governments, a Conference of States Parties to the Convention shall be held at Geneva, Switzerland, to review the operation of the Convention, with a view to assuring that the purposes of the preamble and the provisions of the Convention, including the provisions concerning negotiations on chemical weapons, are being realized. Such review shall take into account any new scientific and technological developments relevant to this Convention."

The Convention entered into force on 26 March 1975 after ratification by the twenty-second party, including the Governments designated as Depositaries of the Convention: the Soviet Union, the United Kingdom and the United States.

⁴¹ General Assembly resolution 34/72 of 11 December 1979 on chemical weapons, adopted without a vote.

⁴² *Official Records of the General Assembly, Thirty-fourth Session, Supplement No. 42 (A/34/42)*, para. 19, sect. III, para. 14.A.2.(b); and A/CN.10/PV.10-17 and A/CN.10/PV.9-22/Corrigendum; *ibid.*, *Supplement No. 27 (A/34/27 and Corr. 1)*, p. 17; *ibid.*, *Thirty-fourth Session, Plenary Meetings*, 5th-32nd and 97th meetings; *ibid.*, *Thirty-fourth Session, First Committee*, 4th-41st meetings; and *ibid.*, *First Committee, Sessional Fascicle*, corrigendum.

The two established approaches on the subject still remained, however, and even became more distinct from one another. The Soviet Union, other Eastern European States and some non-aligned countries continued to call for the conclusion of a general comprehensive agreement prohibiting the development and manufacture of new types of weapons of mass destruction and new systems of such weapons, and to accept the concept of specific agreements when appropriate.

The Western States continued to oppose a general agreement and to support the idea of keeping the question under review and dealing with the conclusion of separate conventions on specific new types of weapons of mass destruction as and when such weapons could be identified.

The General Assembly, *inter alia*, requested the Committee on Disarmament, in the light of its existing priorities, actively to continue negotiations, with the assistance of qualified governmental experts, with a view to preparing a draft comprehensive agreement on the prohibition of the development and manufacture of new types of weapons of mass destruction and new systems of such weapons and, where necessary, specific agreements on particular types of such weapons.⁴³

(iii) Radiological weapons

In 1979 in the Disarmament Commission few comments were made on the specific question of radiological weapons. Speakers who referred to it did so in the context of including radiological weapons among the measures which they felt must be dealt with in any comprehensive programme of disarmament. The Commission, in its recommendations relating to the elements of a comprehensive programme of disarmament, included a measure entitled "Prohibition of the development, production and use of radiological weapons" under the heading "Other weapons of mass destruction".⁴⁴

At the beginning of the consideration of this question in the Committee on Disarmament, the Soviet Union and the United States submitted an agreed joint proposal on major elements of a treaty prohibiting the development, production, stockpiling and use of radiological weapons.⁴⁵

The above-mentioned proposal was generally welcomed in the General Assembly.⁴⁶ The Assembly adopted a resolution⁴⁷ whereby, *inter alia*, it welcomed the report of the Committee on Disarmament with regard to radiological weapons and, particularly, its stated intention to continue consideration of proposals for a convention banning these weapons at its next session; it also requested the Committee on Disarmament to proceed as soon as possible to achieve agreement, through negotiation, on the text of such a convention and to report to the General Assembly on the results achieved for consideration by the Assembly at its thirty-fifth session.

(iv) Treaty on the Non-Proliferation of Nuclear Weapons

In 1979, preparations for the Second Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons began and increased attention focused on the Conference to be held in August 1980. It was apparent that, as in the case of the first Review Conference, the task of reviewing the operation of the Treaty to assure that its various provisions were being implemented would be approached from differing perspectives. In the view of a number of States, including the three nuclear-weapon States and other Eastern European and Western States parties to the Treaty, the task ahead would be to make use of the opportunity to strengthen the Treaty and to avert the danger of further proliferation of nuclear weapons. On the other hand, many non-nuclear-weapon States parties, while agreeing to the need to strengthen the Treaty and encourage universal adherence,

⁴³ General Assembly resolution 34/79 of 11 December 1979, adopted by a vote of 117 to none, with 24 abstentions, mainly Western States. China did not participate in the vote.

⁴⁴ *Official Records of the General Assembly, Thirty-fourth Session, Supplement No. 42 (A/34/42)*, particularly para. 19, sect. III, para. 14.A.2(e).

⁴⁵ *Ibid.*, Supplement No. 27 (A/34/27 and Corr.1), para. 57 and appendix IV, vols. I-III and, particularly, appendix III, vol. II, documents CD/31 and CD/32.

⁴⁶ *Ibid.*, Thirty-fourth Session, Plenary Meetings, 5th-32nd and 97th meetings; *ibid.*, First Committee, 4th-36th meetings; and *ibid.*, First Committee, Sessional Fascicle, corrigendum.

⁴⁷ Resolution 34/87 A of 11 December 1979, adopted without a vote.

viewed the primary question as establishing a mutually satisfactory balance between the rights and obligations of the nuclear and non-nuclear-weapon States. They emphasized the need for cessation of the nuclear arms race and nuclear disarmament, the question of security assurances to non-nuclear-weapon States, and international co-operation in the development of peaceful uses of nuclear energy. In connexion with the last-mentioned consideration, the same States emphasized the need to ensure that measures adopted to minimize the risks of weapon proliferation associated with the development of the use of nuclear energy for peaceful purposes do not prejudice the right of all States to benefit from peaceful applications of nuclear energy without discrimination.

The discussions on non-proliferation and the non-proliferation Treaty revealed broad support for the Treaty as the central element of the international régime to prevent the proliferation of nuclear weapons.⁴⁸

The General Assembly adopted several resolutions directly related to the question of non-proliferation of nuclear weapons, but no specific resolution on the topic. By one resolution⁴⁹ on the non-stationing of nuclear weapons in the territory of other States, the General Assembly expressed the belief that it was necessary to examine possibilities for an international agreement on non-stationing of nuclear weapons on the territories of States where there were no such weapons at present. By another resolution,⁵⁰ the General Assembly requested the Committee on Disarmament, at an appropriate stage of its work on the agenda item entitled "Nuclear weapons in all aspects", to pursue its consideration of the question of adequately verified cessation and prohibition of the production of fissionable material for nuclear weapons and other explosive devices and to keep the General Assembly informed of the progress of that consideration. Several resolutions were adopted on the question of nuclear-weapon-free zones.⁵¹ The General Assembly also adopted a resolution on the nuclear capability of South Africa and another on nuclear collaboration with South Africa.⁵² Finally, by a resolution on Israeli nuclear armament, the General Assembly, *inter alia*, requested the Secretary-General, with the assistance of qualified experts, to prepare a study on the question.⁵³

2. OTHER POLITICAL AND SECURITY QUESTIONS

(a) Development and strengthening of good neighbourliness between States

By its resolution 34/99 which it adopted on the recommendation of the First Committee,⁵⁴ the General Assembly *inter alia* stressed that the great changes of a political, economic and social nature as well as the scientific and technological progress which had taken place in the world and led to unprecedented interdependence of nations had given new dimensions to good neighbourliness and increased the need to ensure its further development and its more effective implementation in the

⁴⁸ For the decisions of the first and second sessions of the Preparatory Committee for the Second Review Conference held, respectively, from 17 to 23 April and from 20 to 24 August 1979 in Geneva (see documents NPT/CONF.II/PC.I/3 and NPT/CONF.II/PC.II/12). For the discussion in the General Assembly, see *Official Records of the General Assembly, Thirty-fourth Session, Plenary Meetings*, 5th-32nd and 97th meetings; *ibid.*, *Thirty-fourth Session, First Committee*, 4th-44th meetings, and *ibid.*, *First Committee, Sessional Fascicle*, corrigendum.

⁴⁹ General Assembly resolution 34/87 C of 11 December 1979, adopted by a recorded vote of 99 to 18, with 19 abstentions.

⁵⁰ General Assembly resolution 34/87 D of 11 December 1979, adopted by a recorded vote of 118 to 9, with 12 abstentions.

⁵¹ See subheading (v) above.

⁵² Respectively, resolutions 34/76 B of 11 December 1979, adopted without a vote, and 34/93 E of 12 December 1979, adopted by a recorded vote of 119 to 4, with 18 abstentions.

⁵³ Resolution 34/89 of 11 December 1979, adopted by a recorded vote of 97 to 10, with 38 abstentions.

⁵⁴ See the report of the First Committee to the thirty-fourth session of the General Assembly on agenda item 46 (A/34/827).

conduct of States in all fields, and expressed its conviction that the development and strengthening of good neighbourliness were likely to contribute to the solution of problems between States, particularly neighbouring ones, which endangered the peace, security and progress of States. Considering that the generalization of the long practice and certain norms of good neighbourliness was likely to strengthen friendly relations and co-operation among States in accordance with the Charter, the Assembly called upon all States to promote good neighbourliness in their relations with other States and affirmed that good neighbourliness conformed with the purposes of the United Nations and was founded upon the strict observance of the principles of the Charter and the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations, as well as the rejection of any acts seeking to establish zones of influence and domination.

(b) Implementation of the Declaration on the Strengthening of International Security⁵⁵

By its resolution 34/100 which it adopted on the recommendation of the First Committee,⁵⁶ the General Assembly *inter alia* called upon all States to contribute effectively to the implementation and further elaboration of the provisions of the Declaration on the Strengthening of International Security; urged with emphasis all the members of the Security Council, especially the permanent members, to consider and to take, as a matter of urgency, all the necessary measures for ensuring respect for the provisions of the Charter of the United Nations in the effective implementation of the decisions of the Council on the maintenance of international peace and security, including, particularly, those envisaged in Chapter VII of the Charter and provided for in the Declaration, by strengthening the confidence of States in the United Nations and in the effectiveness of the Council, as the organ bearing primary responsibility for the maintenance of international peace and security; further called upon all States to adhere fully to the purposes and principles of the Charter and to observe strictly, in international relations, the principles of national independence, sovereignty, territorial integrity, sovereign equality, non-intervention and non-interference in the internal or external affairs of other States, the right of all States and peoples to determine their political systems and pursue economic, social and cultural development without intimidation, hindrance or pressure, sovereignty over natural resources, inviolability of international frontiers, non-use of force or threat of force and non-recognition of situations brought about by the threat or use of force, and the principle of peaceful settlement of disputes; reaffirmed again its opposition to any threat or use of force, intervention and interference, aggression, foreign occupation or measures of political and economic coercion which attempt to violate the sovereignty, territorial integrity, independence and security of States or their right freely to dispose of their natural resources; invited all States to reject any support for or encouragement of any form of intervention or interference in the internal or external affairs of States for any reason whatsoever and to refuse recognition of situations brought about by the threat or use of force; called upon all States to refrain from any act which might hinder the continuation of the process of relaxation of international tension, impede the resolution of the focal points of crisis and tension in various regions of the world, hamper the implementation of the recommendation of the General Assembly at its tenth special session on effective measures for halting the arms race, particularly the nuclear arms race, and for disarmament, and postpone the implementation of the new international economic order; reaffirmed again the legitimacy of the struggle of peoples under colonial and alien domination or occupation to achieve self-determination and independence, and urged Member States to increase their support for and solidarity with them and their national liberation movements and to take urgent and effective measures for the speedy completion of the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples⁵⁷ and other resolutions of the United Nations on the final elimination of colonialism, racism and *apartheid*; recognized the advance that had been made in the struggle of

⁵⁵ General Assembly resolution 2734 (XXV). Reproduced in the *Juridical Yearbook*, 1970, p. 62.

⁵⁶ See the report of the First Committee to the thirty-fourth session of the General Assembly on agenda item 46 (A/34/827).

⁵⁷ General Assembly resolution 1514 (XV).

oppressed peoples for their emancipation and the elimination of colonialism, neo-colonialism, racism in all its manifestations, racial discrimination, *apartheid*, alien domination and occupation; and considered that the implementation of the new international economic order, assuring, through the settlement of urgent international economic problems, a speedy development of the developing countries, particularly the least developed ones, would contribute to the strengthening of international peace and security and to the promotion of economic co-operation for development as an important prerequisite of peaceful and active coexistence among States and requested all States, particularly the developed ones, to participate actively in the efforts of the United Nations and in the global negotiations to that end.

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

By its resolution 34/101 which it adopted on the recommendation of the First Committee,⁵⁸ the General Assembly *inter alia* 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 co-operation and friendly relations among States, based on sovereign equality and mutual respect, took note of the draft declaration on the inadmissibility of intervention and interference in internal affairs of States⁵⁹ and decided to set up an open-ended *ad hoc* working group of the First Committee at the commencement of the thirty-fifth session with a view to elaborating and finalizing the declaration.

(d) Settlement by peaceful means of disputes between States

By its resolution 34/102, adopted on the recommendation of the First Committee,⁶⁰ the General Assembly *inter alia* recalled that, under the Charter of the United Nations, the Member States had expressed the determination of their peoples to practice tolerance and live together in peace with one another as good neighbours and to unite their strength to maintain international peace and security; it further called upon all States to adhere strictly in their international relations to the principle that States shall settle their international disputes by peaceful means in such a manner that international peace and security and justice are not endangered and urged all States to co-operate in the elaboration of a declaration on the peaceful settlement of disputes between States.

(e) Inadmissibility of the policy of hegemonism in international relations

By its resolution 34/103, adopted on the recommendation of the First Committee,⁶¹ the General Assembly *inter alia* condemned hegemonism in all its manifestations, including that conducted at the global, regional or sub-regional level, pursued in the context of the policy of division of the world into blocs or by individual States; called upon all States, in the conduct of international relations, to observe strictly the principles of the Charter of the United Nations and those regarding respect for the sovereignty, sovereign equality, national independence, unity and territorial integrity of States, non-interference in their international affairs, non-aggression, peaceful settlement of disputes and co-operation, as well as the right of peoples under colonial and alien domination to self-determination; and further called for strict respect for the right of all States to determine their political and socio-economic systems and pursue their national economic, social and other policies without intimidation, hindrance or interference from outside.

⁵⁸ See the report of the First Committee to the thirty-fourth session of the General Assembly on agenda item 46 (A/34/827).

⁵⁹ *Ibid.*, para. 9.

⁶⁰ See the report of the First Committee to the thirty-fourth session of the General Assembly on agenda item 122 (A/34/790).

⁶¹ See the report of the First Committee to the thirty-fourth session of the General Assembly on agenda item 126 (A/34/791).

(f) 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 eighteenth session at United Nations Headquarters from 12 March to 6 April 1979.⁶²

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 18 June to 3 July 1979.⁶³ On the question of remote sensing of the earth by satellites, the Committee noted that the Legal Sub-Committee had through its Working Group III carried out a principle by principle reading of the draft principles formulated by the Working Group to date. The Committee noted however that several key issues remained to be agreed upon before the draft principles could be finalized. It recommended that the Legal Sub-Committee should continue, on the basis of priority, to give detailed consideration to the legal implications of remote sensing of the earth from space, with the aim of formulating draft principles relating to remote sensing.

With regard to direct television broadcasting by satellites, the Committee noted that the Legal Sub-Committee had given priority consideration to the elaboration of draft principles governing the use by States of artificial earth satellites for direct television broadcasting. The Committee noted that the Sub-Committee, through its Working Group II, had carried out a principle by principle reading of the draft principles formulated thus far, but had once more been unable to finalize the text. It recommended that the Legal Sub-Committee at its next session continue, as a matter of priority, its efforts to consider the elaboration of principles governing the use by States of artificial earth satellites for direct television broadcasting in accordance with, *inter alia*, General Assembly resolution 33/16.

Regarding the definition and/or delimitation of outer space activities bearing in mind, *inter alia* questions relating to the geo-stationary orbit, the Committee noted that the report of the Legal Sub-Committee reflected a variety of views.⁶⁴ It noted in particular the proposal of the Soviet Union with regard to the establishment of a conventional boundary for air space and outer space not higher than 100 to 110 kilometers above sea level. Within the Committee this proposal was supported by some delegations but gave rise to reservations on the part of others; on the question of geo-stationary orbit, some delegations from equatorial countries expressed the view that they had sovereign rights over the segment of the geo-stationary orbit above their territories; other delegations stressed the need for establishing a special regime to govern the utilization of the geo-stationary orbit while some others took the contrary view and still others held that the provisions of the outer space treaty were applicable to the geo-stationary orbit.

On space transportation systems, the view was expressed within the Committee that it would be necessary to elaborate legal principles on the use of space transportation systems bearing in mind, *inter alia*, the prohibition of removal from orbit of space objects from foreign States without their prior consent, as well as the elaboration of rules of passage of such systems above the territories of foreign States after the first stage of launching.

With respect to the question of the use of nuclear power sources in outer space, the Committee recommended that the Legal Sub-Committee should include in its agenda an item entitled "Review of existing international law relevant to outer space activities with a view to determining the appropriateness of supplementing such law with provisions relating to the uses of nuclear power sources in outer space".

Regarding the draft treaty relating to the moon, the Committee noted that in its efforts to complete work in this connexion, Working Group I of the Legal Sub-Committee had based its discussions on a compromise text proposed by Austria. Through an informal Working Group of the Whole, the Committee finalized the work carried out within the Legal Sub-Committee on the basis of this compromise text and submitted to the General Assembly at its thirty-fourth session, for

⁶² For the report of the Legal Sub-Committee, see document A/AC.105/240.

⁶³ For the report of the Committee see *Official Records of the General Assembly, Thirty-fourth Session, Supplement No. 20* (A/34/20).

⁶⁴ See A/AC.105/240, paras. 39-47.

consideration, final adoption and signature, the draft agreement governing the activities of States on the moon and other celestial bodies.

At its thirty-fourth session, the General Assembly adopted, on the recommendation of the Special Political Committee,⁶⁵ resolution 34/66 in which it *inter alia* invited States which had not yet become parties to the international treaties governing the uses of outer space to give consideration to ratifying or acceding to those treaties and endorsed the recommendations of the Committee concerning the future work of its Legal Sub-Committee. The General Assembly also adopted, on the recommendation of the Special Political Committee, resolution 34/68 by which it *inter alia* commended the Agreement Governing the Activities of States on the Moon and other Celestial Bodies annexed to the resolution⁶⁶ and expressed its hope for the widest possible adherence to this Agreement.⁶⁷

3. ECONOMIC, SOCIAL AND HUMANITARIAN QUESTIONS

(a) Economic questions

(1) *Co-operation in the field of the environment concerning national resources shared by one or more States*

By its resolution 34/186 adopted on the recommendation of the Second Committee,⁶⁸ the General Assembly *inter alia* recalled the relevant provisions of its resolution 3201 (S-VI)⁶⁹ and 3202 (S-VI) of 1 May 1974, in which it reaffirmed the principle of full permanent sovereignty of every State over its natural resources and the responsibility of States as set out in the Declaration of the United Nations Conference on the Human Environment⁷⁰ to ensure that activities within their jurisdiction or control do not cause damage to the environment of other States and to co-operate in developing the international law regarding liability and compensation for such damages; and took note of the draft principles elaborated by an Intergovernmental Working Group of Experts⁷¹ as guidelines and recommendations in the conservation and harmonious utilization of natural resources shared by two or more States, on the basis of the principle of good faith and in the spirit of good neighbourliness and in such a way as to enhance and not adversely affect development and the interests of all countries, in particular the developing countries.

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

In accordance with General Assembly resolution 33/157, the Conference convened to negotiate on the draft of an international code of conduct on the transfer of technology⁷² elaborated by an intergovernmental group of experts within the United Nations Conference on Trade and Development held its second session from 26 February to 9 March 1979. At that session however, no agreement was achieved on a number of fundamental issues of interest to the developing countries.⁷³

⁶⁵ See the report of the Special Political Committee to the thirty-fourth session of the General Assembly on agenda items 55 and 56 (A/34/664).

⁶⁶ For the text of the Agreement see ch. IV (1) of this *Yearbook*.

⁶⁷ See footnote 65 above.

⁶⁸ See the report of the Second Committee to the thirty-fourth session of the General Assembly on agenda item 60 (A/34/837).

⁶⁹ See *Juridical Yearbook*, 1974, p. 52.

⁷⁰ Report of the United Nations Conference on the Human Environment, Stockholm, 5-16 June 1972 (United Nations publication, Sales No.: E.73.II.A.14 and corrigendum), Chap. I.

⁷¹ UNEP/GC.6/17.

⁷² TD/CODE TOT/1.

⁷³ For information on the results of the first and second sessions of the Conference held in 1978 and 1979 respectively see document TD/237 and Add.1.

By its resolution 34/195 adopted on the recommendation of the Second Committee,⁷⁴ the General Assembly decided to convene a third session of the Conference and called for the necessary political will and flexibility to complete negotiations and take all decisions necessary for the adoption of the code of conduct, bearing in mind the interests and concerns of developing countries.

(b) Environmental questions

Seventh session of the Governing Council of the United Nations Environment Programme⁷⁵

During its seventh session which was held from 18 April to 4 May 1979, the Governing Council *inter alia* discussed questions related to environmental law. It had before it in this connexion the report of the Executive Director on environmental law⁷⁶ in which it was indicated *inter alia* that a master copy comprising full texts of the International Environmental Convention and protocols listed on UNEP/GC/INFORMATION/5 and its supplement had been prepared and that a survey of selected universities and research institutes in the various regions had identified those which teach or research, or are capable of teaching or conducting research in environmental law. The report further indicated that the Working Group of Experts on Environmental Law established by the Governing Council in 1977 had held its third session in Geneva from 5 to 14 March 1979. At its first session held in 1977, the Working Group had decided that its first study should relate to the legal aspects of offshore mining and drilling carried out within the limits of national jurisdiction and at its second session held in 1978 it had drawn up a comprehensive programme for pursuing its work in this area. At its third session, the Working Group commenced the study and development of legal conclusions on Part I of the above programme of work; it established its legal conclusions capable of being converted into legal guidelines under the heading "General provisions", "Authorization system", "Assessment of the impact on environment", "Appropriate environmental monitoring systems", "Consideration of transfrontier environmental impact when authorizing offshore mining or drilling, in particular (a) notification and (b) consultation".⁷⁷

The Governing Council also had before it a report of the Executive Director on International Conventions and Protocols in the Field of the Environment.⁷⁸ The report provided among others a list of instruments in the field of the environment which had recently entered into force or been concluded,⁷⁹ as well as a list of draft agreements which were at various stages of preparation or negotiation, including for example the draft European convention for the protection of international watercourses against pollution, the draft convention for the protection of the marine environment of the Red Sea and Gulf of Aden, the draft revision of the text of the International Convention for the Regulation of Whaling, 1946 and the draft convention on the conservation of Antarctic Marine Living Resources.

Action by the General Assembly

Aside from resolution 34/186 on the question of co-operation in the field of the environment concerning natural resources shared by two or more States which has been dealt with in subsection 3(a)(1) above, the General Assembly at its thirty-fourth session passed another resolution

⁷⁴ See the report of the Second Committee to the thirty-fourth session of the General Assembly on agenda item 56 (A/34/538/Add.1).

⁷⁵ For detailed information see *Official Records of the General Assembly, Thirty-fourth Session, Supplement No. 25* (A/34/25).

⁷⁶ UNEP/GC.7/7/Add.1, Chapter IV A.

⁷⁷ For the report of the Working Group, see document JNEP/WG.24/3.

⁷⁸ UNEP/GC.7/8.

⁷⁹ More up to date information on existing international instruments in the field of environment was circulated on 27 January 1981 in document UNEP/GC/INFORMATION/5/Supplement 4. Among relevant multilateral conventions which were concluded in 1979 that document mentions the Convention on the Conservation of Migratory Species of Wild Animals and the Convention on Long-Range Transboundary Air Pollution which was adopted in 1979 within the framework of the Economic Commission for Europe.

of legal interest in the field of environment, namely resolution 34/183 which it adopted on the recommendation of the Second Committee⁸⁰ in which it *inter alia* recalled that IMCO had adopted a number of comprehensive international conventions, recommendations, traffic separation schemes and codes of practice specifically for the purpose of enhancing maritime safety, ensuring efficiency of navigation and protecting the marine environment, that significant progress had been achieved at the Third United Nations Conference on the Law of the Sea with regard to the protection and preservation of the marine environment and that work had been done by the ILO and IMCO concerning training and certification for seafarers, notably the ILO Convention concerning Minimum Standards in Merchant Ships.⁸¹ The Assembly called upon States parties to the International Convention for the Prevention of Pollution of the Sea by Oil, 1954,⁸² to discharge fully their obligations under the Convention and, in particular, those contained in article VI of that Convention,⁸³ and urged all States which had not already done so to examine the possibility of ratifying at the earliest opportunity the international conventions and protocols designed to ensure better protection of the marine environment, to improve the safety of navigation and to guarantee the training and competence of crews.

(c) Office of the United Nations High Commissioner for Refugees⁸⁴

The essential significance of the international protective function was underscored in the various refugee situations which either arose or continued during 1979. One problem which assumed overriding importance was that of asylum, an area in which 1979 was marked by a series of developments giving rise to most profound concern. These related in particular to the difficulties faced by asylum seekers arriving by land or by sea in securing asylum even on a temporary basis: overland arrivals were either rejected at the frontiers or subjected to measures of *refoulement* on a large scale while arrivals by boat were turned away, sometimes in unseaworthy craft, to face the dangers of the high seas. That question was given detailed consideration by the Executive Committee of the High Commissioner's Programme which *inter alia* stressed that in situations involving a large scale influx, asylum seekers should receive at least temporary refuge, and also devoted special attention to the difficulties facing individual asylum seekers and particularly to the problems of the identification, on the basis of common criteria, of the country responsible for examining an asylum request.

The question of rescue at sea was examined *inter alia* by a Meeting of Experts on Rescue Operations for Refugees and Displaced Persons in Distress in the South China Seas, which was convened in August 1979 and in which a representative of IMCO participated. An important development was the adoption in April 1979 of the Convention on Maritime Search and Rescue. The technical annex to this Convention imposes an obligation on States parties to ensure that assistance is provided to any person in distress at sea, regardless of the nationality or status of such a person, or the circumstances in which the person is found.

The principle of *non-refoulement*, which is the most important single element in the protection of refugees and which has found expression in various international instruments was unfortunately

⁸⁰ See the report of the Second Committee to the thirty-fourth session of the General Assembly on agenda item 60 (A/34/837).

⁸¹ International Labour Office, *Official Bulletin*, vol. LX, 1977, Series A, No. 1, Convention No. 147.

⁸² United Nations, *Treaty Series*, vol. 327, p. 4.

⁸³ Article VI of the Convention reads as follows:

"Article VI

"The penalties which may be imposed in pursuance of Article III under the law of any of the territories of a Contracting Government in respect of the unlawful discharge from a ship of oil or of an oily mixture into waters outside the territorial waters of that territory shall not be less than the penalties which may be imposed under the law of that territory in respect of the unlawful discharge of oil or of an oily mixture from a ship into such territorial waters."

⁸⁴ For detailed information, see *Official Records of the General Assembly, Thirty-fourth Session, Supplement No. 12 and 12A (A/34/12 and Add.1)* and *ibid.*, *Thirty-fifth Session, Supplement No. 12 and 12A (A/35/12 and Add.1)*.

disregarded in different areas during 1979. The High Commissioner was in some cases able to approach the authorities of the country concerned with a view to preventing *refoulement*. In other cases where the measure of *refoulement* was brought to his attention only after the event, he registered his serious concern.

With respect to expulsion, it is to be recalled that article 32 of the Convention relating to the Status of Refugees makes it clear that expulsion should only be resorted to in exceptional circumstances, i.e. when factors of national security or public order are involved. It appears that the number of cases in which refugees have been subjected to expulsion measures in circumstances not justified by article 32 has decreased in comparison with previous years.

Problems related to the physical protection of refugees have arisen in particular in South East Asia where asylum seekers in boats were the victims of private attacks. The High Commissioner has brought the problem of piracy specifically to the attention of the Secretary-General with a view to it being given consideration by the United Nations.

In regard to the question of detention and imprisonment of refugees, a positive contribution was made by the Pan African Conference on the Situation of Refugees in Africa which met at Arusha, United Republic of Tanzania, in May 1979.⁸⁵ The Conference reaffirmed a number of fundamental principles concerning the treatment of refugees and asylum seekers and its recommendations — which were approved by the Assembly of Heads of State and Government of the OAU held at Monrovia in July 1979 — will undoubtedly represent a major contribution towards improving the legal situation of refugees in Africa. It expressed concern in particular at the fact that detention and imprisonment were in many cases not subject to ordinary administrative or judicial remedies and recommended that such practices be discouraged.

Other areas in which the High Commissioner has continued his efforts on behalf of refugees include the enjoyment of economic and social rights, the issuance of travel and identity documents, the acquisition of a new nationality, the determination of refugee status, voluntary repatriation and family reunification.

As far as relevant international instruments are concerned, it should be noted that in recent years, the Statute of the High Commissioner's Office has assumed increasing practical importance because, being contained in a resolution of the General Assembly, it applies in respect of all States and provides a basis for UNHCR actions to protect refugees, irrespective of whether or not the State in which a refugee problem arises is a party to the 1951 Convention on the Status of Refugees⁸⁶ or to the 1967 Protocol thereto⁸⁷ or is a State which maintains the geographical limitations in respect of its obligations under these instruments. While there was no new accession in 1979 to the 1951 Convention, or to the 1967 Protocol, the UNHCR continued to keep in contact with Governments of States parties with regard to various aspects of implementation. In 1979, eight further States ratified the Protocols Additional to the Geneva Conventions of 1949. Another important development was the adoption by the General Assembly of the International Convention against the Taking of Hostages,⁸⁸ article 9 of which has relevance to the question of refugees. Finally there was in 1979 one further accession to the OAU Convention of 1969 governing the Specific Aspects of Refugee Problems in Africa, bringing the total number of States parties to the OAU Convention to 19.

By its resolution 34/60, adopted on the recommendation of the Third Committee,⁸⁹ the General Assembly *inter alia* urged Governments to intensify their support for the humanitarian activities of the High Commissioner by facilitating the accomplishment of his tasks in the field of international protection, considering accession to relevant international instruments and facilitating his efforts to promote durable solutions through voluntary repatriation or return and assistance in the

⁸⁵ See Report of the Conference on the Situation of Refugees in Africa, Arusha, United Republic of Tanzania, 7-17 May 1979 (REF/AR/CONF/Rpt.1), abridged version issued as A/AC.96/INF.158.

⁸⁶ United Nations, *Treaty Series*, vol. 189, p. 137.

⁸⁷ *Ibid.*, vol. 606, p. 267. Reproduced in the *Juridical Yearbook*, 1967, p. 285.

⁸⁸ Reproduced on p. 124 of this *Yearbook*.

⁸⁹ See the report of the Third Committee to the thirty-fourth session of the General Assembly on agenda item 83 (A/34/724).

rehabilitation of persons returning to their countries, integration in countries of asylum or resettlement in other countries.

(d) International drug control

In the course of 1979, additional States became parties to the Single Convention on Narcotic Drugs, 1961,⁹⁰ to the 1971 Convention on Psychotropic Substances,⁹¹ to the 1972 Protocol amending the Single Convention on Narcotic Drugs, 1961,⁹² and to the Single Convention on Narcotic Drugs, 1961, as amended by the Protocol of 25 March 1972 amending the Single Convention on Narcotic Drugs, 1961.^{93, 94}

The Commission on Narcotic Drugs at its twenty-eighth session held in February 1979 took a number of decisions on the scope of control of the above mentioned instruments and on various other questions.⁹⁵

At its thirty-fourth session, the General Assembly, by its resolution 34/177 adopted on the recommendation of the Third Committee,⁹⁶ *inter alia* urged States which had not yet become parties to the international drug control treaties to adhere to them and to make maximum efforts to implement them.

(e) Crime prevention and criminal justice

(1) *Code of Conduct for Law Enforcement Officials*

By its resolution 34/169 adopted on the recommendation of the Third Committee,⁹⁷ the General Assembly adopted a Code of Conduct for Law Enforcement Officials and decided to transmit it to Governments with the recommendation that favourable consideration should be given to its use within the framework of national legislation or practice as a body of principles for observance by law enforcement officials. The text of the Code is as follows:⁹⁸

“Article 1

“Law enforcement officials shall at all times fulfil the duty imposed upon them by law, by serving the community and by protecting all persons against illegal acts, consistent with the high degree of responsibility required by their profession.

“Article 2

“In the performance of their duty, law enforcement officials shall respect and protect human dignity and maintain and uphold the human rights of all persons.

⁹⁰ United Nations, *Treaty Series*, Vol. 520, p. 151.

⁹¹ United Nations publication, Sales No.: E.78.X1.3, p. 7.

⁹² E/CONF.63/9.

⁹³ United Nations publication, Sales No.: E.77.X1.3, p. 13.

⁹⁴ For a list of the States parties to these instruments as of 31 December 1979, see *Multilateral Treaties in respect of which the Secretary-General performs depositary functions* (United Nations publication, Sales No.: E.80.V.10).

⁹⁵ See *Official Records of the Economic and Social Council, Official Records, 1979, Supplement No. 5 (E/1979/35)*.

⁹⁶ See the Report of the Third Committee to the thirty-fourth session of the General Assembly on agenda item 12 (A/34/827).

⁹⁷ See the report of the Third Committee to the thirty-fourth session of the General Assembly on agenda item 88 (A/34/783).

⁹⁸ The commentaries which have been appended to each article in order to provide information to facilitate the use of the Code within the framework of national legislation or practice are not reproduced here. For the text of those commentaries see General Assembly resolution 34/169.

"Article 3

"Law enforcement officials may use force only when strictly necessary and to the extent required for the performance of their duty.

"Article 4

"Matters of a confidential nature in the possession of law enforcement officials shall be kept confidential, unless the performance of duty or the needs of justice strictly require otherwise.

"Article 5

"No law enforcement official may inflict, instigate or tolerate any act of torture or other cruel, inhuman or degrading treatment or punishment, nor may any law enforcement official invoke superior orders or exceptional circumstances such as a state of war or a threat of war, a threat to national security, internal political instability or any other public emergency as a justification of torture or other cruel, inhuman or degrading treatment or punishment.

"Article 6

"Law enforcement officials shall ensure the full protection of the health of persons in their custody and, in particular, shall take immediate action to secure medical attention whenever required.

"Article 7

"Law enforcement officials shall not commit any act of corruption. They shall also rigorously oppose and combat all such acts.

"Article 8

"Law enforcement officials shall respect the law and the present Code. They shall also, to the best of their capability, prevent and rigorously oppose any violation of them.

"Law enforcement officials who have reason to believe that a violation of the present Code has occurred or is about to occur shall report the matter to their superior authorities and, where necessary, to other appropriate authorities or organs vested with reviewing or remedial power."

(2) Draft Code of Medical Ethics

In the report submitted by the World Health Organization to the Fifth United Nations Congress on the Prevention of Crime and the Treatment of Offenders,⁹⁹ it was suggested that a "Health Charter for Prisoners" might be elaborated with the co-operation of the World Health Organization. Furthermore in several successive resolutions the General Assembly invited WHO to prepare a draft code of medical ethics relevant to the protection of persons subjected to any form of detention or imprisonment against torture and other cruel, inhuman or degrading treatment or punishment. At its thirty-fourth session, the General Assembly had before it a report of WHO¹⁰⁰ containing in an annex a draft Code of Medical Ethics. By its resolution 34/168, adopted on the recommendation of the Third Committee,¹⁰¹ the General Assembly requested the Secretary-General to circulate this draft Code to Member States and various intergovernmental and non-governmental organizations.

⁹⁹ A/CONF.56/9.

¹⁰⁰ A/34/273.

¹⁰¹ See the report of the Third Committee to the thirty-fourth session of the General Assembly on agenda item 88 (A/34/783).

(f) Human rights questions

(1) Status and implementation of international instruments

(i) International Covenants on Human Rights¹⁰²

In 1979, five more States became parties to the International Covenant on Economic, Social and Cultural Rights, six more States became parties to the International Covenant on Civil and Political Rights and one more State became party to the Optional Protocol to the International Covenant on Civil and Political Rights. Article 41 of the International Covenant on Civil and Political Rights entered into force on 28 March 1979, in accordance with its paragraph 2.¹⁰³

By its resolution 34/45, adopted on the recommendation of the Third Committee,¹⁰⁴ the General Assembly *inter alia* noted with appreciation the report of the Human Rights Committee on its sixth and seventh sessions,¹⁰⁵ invited all States which had not yet done so to become parties to the Covenants and to consider acceding to the Optional Protocol, appreciated that the Human Rights Committee continued to strive for uniform standards in the implementation of the International Covenant on Civil and Political Rights and of the Optional Protocol thereto and emphasized the importance of the strictest compliance by States parties with their obligations under the Covenant.

(ii) International Convention on the Elimination of All Forms of Racial Discrimination¹⁰⁶

In 1979, four more States became parties to the Convention. In its resolution 34/25 adopted on the recommendation of the Third Committee,¹⁰⁷ the General Assembly *inter alia* reaffirmed its conviction that ratification of or accession to the Convention on a universal basis and implementation of its provisions are necessary for the realization of the objectives of the Decade for Action to Combat Racism and Racial Discrimination and requested States which had not yet become parties to the Convention to ratify it or accede thereto.

The General Assembly further adopted, also on the recommendation of the Third Committee, resolution 34/28 relating to the report of the Committee on the Elimination of Racial Discrimination in which it *inter alia* took note of the report of the Committee on its nineteenth and twentieth sessions,¹⁰⁸ called upon the States parties to observe fully the provisions of the Convention on the Elimination of All Forms of Racial Discrimination and other international instruments and agreements to which they are parties concerning the elimination of all forms of racial discrimination, and to take effective measures for securing full equality and promotion and protection of the rights of every person, group of persons or national or ethnic minority, as well as full protection of the rights of migrant workers, by preventing all practices of racial discrimination;

¹⁰² See General Assembly resolution 2200 A (XXI), annex. Also reproduced in the *Juridical Yearbook*, 1966, p. 170 *et seq.*

¹⁰³ Article 41 reads in part as follows:

“1. A State Party to the present Covenant may at any time declare under this article that it recognizes the competence of the 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 present Covenant . . .

“2. The provisions of this article shall come into force when ten States Parties to the present Covenant have made declarations under paragraph 1 of this article. Such declarations shall be deposited by the States Parties with the Secretary-General of the United Nations, who shall transmit copies thereof to the other States Parties. A declaration may be withdrawn at any time by notification to the Secretary-General. Such a withdrawal shall not prejudice the consideration of any matter which is the subject of a communication already transmitted under this article; no further communication by any State Party shall be received after the notification of withdrawal of the declaration has been received by the Secretary-General, unless the State Party concerned has made a new declaration.”

¹⁰⁴ See the report of the Third Committee to the thirty-fourth session of the General Assembly on agenda item 84 (A/34/687).

¹⁰⁵ *Official Records of the General Assembly, Thirty-fourth Session, Supplement No. 40* (A/34/40).

¹⁰⁶ See General Assembly resolution 2106 A (XX). Also reproduced in the *Juridical Yearbook*, 1965, p. 65.

¹⁰⁷ See the report of the Third Committee to the thirty-fourth session of the General Assembly on agenda item 86 (A/34/597).

¹⁰⁸ *Official Records of the General Assembly, Thirty-fourth Session, Supplement No. 18* (A/34/18).

and urged all States not parties to the Convention to ratify or to accede to it and, pending such ratification or accession, to be guided by the basic provisions of the Convention in their internal and foreign policies.

(iii) *International Convention on the Suppression and Punishment of the Crime of Apartheid*¹⁰⁹

In 1979, four more States became parties to the Convention. In its resolution 34/27, adopted on the recommendation of the Third Committee,¹¹⁰ the General Assembly *inter alia* appealed to all States which had not yet become parties to the Convention to ratify it or accede to it without delay and called upon States parties to implement fully article IV of the Convention by adopting legislative, judicial and administrative measures to prosecute, bring to trial and punish in accordance with their jurisdiction persons responsible for, or accused of, the acts defined in article II of the Convention.

(2) *Alternative approaches and ways and means within the United Nations system for the improvement of the effective enjoyment of human rights and fundamental freedoms*

By its resolution 34/46, adopted on the recommendation of the Third Committee,¹¹¹ the General Assembly *inter alia* reiterated its profound conviction that all human rights and fundamental freedoms are indivisible and interdependent, and that equal attention and urgent consideration should be given to the implementation, promotion and protection of both civil and political, and economic, social and cultural rights; reaffirmed the absolute necessity, under all circumstances, of eliminating massive and flagrant violations of human rights and of the right of peoples and individuals affected by situations such as those resulting from *apartheid*, from all forms of racial discrimination, from colonialism, from foreign domination and occupation, from aggression and threats against national sovereignty, national unity and territorial integrity, as well as from the refusal to recognize the fundamental rights of peoples to self-determination and of every nation to the exercise of full sovereignty over its wealth and resources; reaffirmed that it was of paramount importance for the promotion of human rights and fundamental freedoms that Member States should undertake specific obligations through accession to or ratification of international instruments in this field and that, consequently, the standard-setting work within the United Nations in the field of human rights and the universal acceptance and implementation of the relevant instruments should be encouraged; recognized that, in order fully to guarantee human rights and complete personal dignity, it was necessary to guarantee the right to work, participation of workers in management, and the right to education, health and proper nourishment, through the adoption of measures at the national and international levels, including the establishment of the new international economic order; and emphasized that the right to development is a human right and that equality of opportunity for development is as much a prerogative of nations as of individuals within nations.

(3) *Torture and other cruel, inhuman or degrading treatment or punishment*

By its resolution 32/62 of 8 December 1977, the General Assembly requested the Commission on Human Rights to draw up a draft 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, adopted by the Assembly in its resolution 3452 (XXX) of 9 December 1975.¹¹² At its thirty-fourth session, the Assembly, in its resolution 34/167 adopted on the recommendation of the Third

¹⁰⁹ General Assembly resolution 3068 (XXVIII), annex. Also reproduced in the *Juridical Yearbook*, 1973, p. 70.

¹¹⁰ See the report of the Third Committee to the thirty-fourth session of the General Assembly on agenda item 86 (A/34/597).

¹¹¹ See the report of the Third Committee to the thirty-fourth session of the General Assembly on agenda item 87 (A/34/704).

¹¹² Reproduced in the *Juridical Yearbook*, 1975, p. 48 *et seq.*

Committee,¹¹³ took note with satisfaction of the significant progress made in the drafting of the future convention during the thirty-fifth session of the Commission on Human Rights,¹¹⁴ and requested the Commission at its thirty-sixth session to continue to give high priority to the question of completing the draft.

Furthermore, by its resolution 32/64 of 8 December 1977, the Assembly had called upon Member States to reinforce their support of the Declaration on the Protection of All Persons from Being Subjected to Torture, Inhuman or Degrading Treatment by making unilateral declarations against torture and other cruel, inhuman or degrading treatment.¹¹⁵ A similar appeal was made by the Assembly in resolution 33/178. By its resolution 34/167 the Assembly invited Member States which had not yet done so to deposit such unilateral declarations with the Secretary-General.¹¹⁶

(4) *Measures to improve the situation and ensure the human rights
and dignity of all migrant workers*

In its resolution 34/172, adopted on the recommendation of the Third Committee,¹¹⁷ the General Assembly, bearing in mind *inter alia* the ILO Migrant Workers (Supplementary Provision) Convention, 1975¹¹⁸ and the ILO Recommendation Concerning Migrant Workers, 1975¹¹⁹ reaffirmed that the relationship between worker and employer is in itself a source of rights and obligations and that consequently a violation, or even a limitation, of those rights of migrant workers may be tantamount to a violation of the principles of the Universal Declaration of Human Rights. It further expressed its deep concern at the fact that migrant workers were not exercising their rights in the sphere of work as defined by the relevant international instruments and decided to undertake at its thirty-fifth session the elaboration of an international convention on the protection of the rights of all migrant workers and their families.

(5) *The right of amparo, habeas corpus or other legal remedies to the same effect*

By its resolution 34/178, adopted on the recommendation of the Third Committee,¹²⁰ the General Assembly, bearing in mind the provisions of the Universal Declaration on Human Rights,¹²¹ of the Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment¹²² and of the International Covenant on Civil and Political Rights,¹²³ particularly article 9, paragraph 4 thereof which stipulates that anyone who is deprived of his liberty by arrest or detention will be entitled to take proceedings before a court in order that that court may decide without delay on the lawfulness of his detention and order his release if the detention is not lawful, noted that the year 1979 marked the three hundredth anniversary of the act which in 1679 gave statutory force to the remedy of *habeas corpus*. The Assembly expressed its conviction that the application within the legal system of States of *amparo*, *habeas corpus*, or other legal remedies to the same effect was of fundamental importance for

¹¹³ See the report of the Third Committee to the thirty-fourth session of the General Assembly on agenda item 88 (A/34/167).

¹¹⁴ For detailed information see *Official Records of the Economic and Social Council, 1979, Supplement No. 6 (E/1979/36)*, Chap. VIII, sect. A.

¹¹⁵ On the question of the legal force of such declarations, see the legal opinion given by the Office of Legal Affairs of the United Nations, reproduced on p. 198 of the *Juridical Yearbook*, 1978.

¹¹⁶ As of 31 December 1979, the following States had made a unilateral declaration as called for under General Assembly resolutions 32/64, 33/178 and 34/167: Barbados, Democratic Yemen, India, Japan, Mauritius, Netherlands, Philippines, Portugal, Qatar, Senegal, Spain and Yugoslavia.

¹¹⁷ See the report of the Third Committee to the thirty-fourth session of the General Assembly on agenda item 12 (A/34/829).

¹¹⁸ International Labour Office, *Official Bulletin*, vol. LVIII, 1975, series A, No. 1, Convention No. 143.

¹¹⁹ *Ibid.*, No. 1, Recommendation No. 151.

¹²⁰ See the report of the Third Committee to the thirty-fourth session of the General Assembly on agenda item 12 (A/34/829).

¹²¹ Resolution 217 A (III).

¹²² Resolution 3452 (XXX), annex. Also reproduced in the *Juridical Yearbook*, 1975, p. 48 *et seq.*

¹²³ Resolution 2200 A (XXI), annex. Also reproduced in the *Juridical Yearbook*, 1966, p. 170 *et seq.*

protecting persons against arbitrary arrest and unlawful detention, effecting the release of persons detained by reason of their political opinions or convictions and clarifying the whereabouts and fate of missing and disappeared persons, and called upon all Governments to guarantee to persons within their jurisdiction the full enjoyment of the right of *amparo*, *habeas corpus* or other legal remedies to the same effect, as may be applicable in their legal system.

(g) Status of women

Convention on the Elimination of All Forms of Discrimination against Women

By its resolution 34/180 adopted on the recommendation of the Third Committee,¹²⁴ the General Assembly adopted and opened for signature, ratification and accession the Convention on the Elimination of All Forms of Discrimination Against Women.¹²⁵

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

The eighth session of the Third United Nations Conference on the Law of the Sea was held from 19 March to 27 April 1979 at the Office of the United Nations at Geneva.¹²⁶ This session was resumed from 19 July to 24 August 1979 at United Nations Headquarters in New York.¹²⁷ The basic document which the Conference had before it at the start of its eighth session was the so-called Informal Composite Negotiating Text (ICNT).¹²⁸

A total of 139 States and the United Nations Council for Namibia participated in the first part of the eighth session. In addition, two territories,¹²⁹ 14 specialized agencies or United Nations bodies, 12 inter-governmental organizations, 27 non-governmental organizations having consultative status with the Economic and Social Council and three national liberation movements recognized by the Organization of African Unity or the League of Arab States participated as observers. A total of 143 States participated in the second part of the eighth session. In addition, two territories, 14 specialized agencies or United Nations bodies, 8 inter-governmental organizations, 17 non-governmental organizations having consultative status with the Economic and Social Council, and one national liberation movement recognized by the Organization of African Unity participated as observers.

The aim of the Third United Nations Conference on the Law of the Sea was to have a comprehensive convention on all ocean issues including those which were outstanding from the first two Conferences, held in 1958 and 1960. In particular, the Conference was to try to establish a definition of an international régime for the sea-bed and ocean floor beyond the limits of national jurisdiction and to ensure that the resources of the marine environment would be exploited for the benefit of mankind. This involved questions as to who might exploit the sea-bed and ocean floor beyond national jurisdiction and what the basic conditions of exploration and exploitation should be. These subjects were assigned to the First Committee. Definitions of and régimes for such concepts as the territorial sea, international straits, the continental shelf and an exclusive economic zone were dealt with by the Second Committee, and regulations to cover the preservation of the marine environment, marine scientific research and the development and transfer of technology were covered by the Third Committee.

¹²⁴ See the report of the Third Committee to the thirty-fourth session of the General Assembly on agenda item 75 (A/34/830).

¹²⁵ Reproduced on p. 115 of this *Yearbook*.

¹²⁶ See *Official Records of the Third United Nations Conference on the Law of the Sea*, vol. XI (United Nations publication, Sales No.: E.80.V.6).

¹²⁷ *Ibid.*, vol. XII (United Nations publication, Sales No.: E.80.V.12).

¹²⁸ *Ibid.*, vol. VIII (United Nations publication, Sales No.: E.78.V.4).

¹²⁹ See General Assembly resolution 3334 (XXIX).

The subject of the settlement of disputes was dealt with by the plenary and, as relevant to their mandates, by each of the Committees. Other subjects dealt with in plenary were the preamble and final clauses and the peaceful uses of the sea.

The objective of the eighth session was the conclusion of informal negotiations and the revision of the ICNT.

The three negotiating groups on First Committee matters (Negotiating Groups I, II and III dealing respectively with the system of exploration and exploitation and resource policy, financial arrangements and the organs of the Authority) met during the first three weeks of the first part of the eighth session. On 25 April, their Chairmen presented reports and compromise formulae to the First Committee, as did also the Chairman of the Group of Legal Experts on settlement of disputes relating to First Committee matters. New proposals were put forward during the resumed eighth session regarding the voting in the Council of the Authority, financing of the Authority's first sea-bed mining project, the tax scheme for public and private entities that will engage in sea-bed mining and several matters relating to the system of exploitation, and consensus was reached on various points concerning the settlement of disputes.

The three negotiating groups on Second Committee matters, namely Negotiating Groups IV (on access to living resources on the Exclusive Economic Zone), VI (on the definition of the outer limits of the continental shelf) and VII (on the delimitation of maritime boundaries between adjacent and opposite States) also met and their respective Chairmen reported on 24 April on the work carried out.

At the resumed eighth session, the question of the continental shelf was discussed in a small group known as the Group of 38. The items considered by that group were: the outer limit of the continental shelf; payments and contributions with respect to the continental shelf beyond 200 miles; submarine ocean ridges; the Commission on the Continental Shelf; and the problem of Sri Lanka. Various proposals were submitted in connexion with these items.

Also at the resumed eighth session, negotiating Group VII resumed discussion on delimitation and on the settlement of delimitation disputes.

The Third Committee continued its work mainly through informal meetings. On 23 April 1979, the Chairman reported to that Committee that agreement had been reached at these informal meetings on a revised article concerning the responsibility and liability of States in regard to damages caused by pollution and on a new article to encourage the establishment or strengthening of national marine scientific and technological research centres. At the resumed eighth session, the Third Committee met formally and informally to consider pending issues relating to marine scientific research on the continental shelf and the problem of settlement of disputes.

On 27 April 1979, the President of the Conference reported on matters relating to the settlement of disputes as dealt with in informal meetings of the plenary. He said there were still outstanding issues but that one informal proposal by Yugoslavia concerning the seat of the Law of the Sea Tribunal and consequential changes to annex V of the ICNT had been approved by the informal plenary. At the resumed session, the informal plenary met once and agreement was reached on part of the text of a proposal detailing conciliation procedures.

At its 117th meeting, on 19 July 1979, the Conference decided that the discussion of the final clauses would be undertaken in informal plenary meetings, to be assisted by a Group of Legal Experts (under the chairmanship of Mr. J. Evensen (Norway)). The subjects and issues to be examined were put in two categories, one characterized as controversial (including amendment or revision, reservation, relation to other conventions, entry into force, transitional provision, denunciation, and participation) and the other as non-controversial (including signature, ratification, status of annexes, authentic texts, and testimonial clause).

The Drafting Committee as well as its language groups continued to meet during the eighth session.

Other matters which were discussed during the eighth session included the issue of unilateral legislation for the training of personnel from developing countries for the Authority and the Enterprise and the site of the Authority.

The eighth session of the Conference resulted in the elaboration of a revised version of the ICNT (ICNT/Revision 1)¹³⁰ which was worked out by the President, the Chairmen of the three main committees, the Chairman of the Drafting Committee and the Rapporteur General.

On 9 November 1979, the General Assembly, by resolution 34/20, approved the convening of the two parts of the ninth session from 27 February to 4 April 1980 in New York and from 28 July to 29 August 1980 at Geneva. It also requested the Secretary-General, in his capacity as Secretary-General of the Conference, to prepare a study on the training needs of developing countries in deep-sea mining and relating activities for submission to the Conference as early as possible in 1980.

5. INTERNATIONAL COURT OF JUSTICE^{131, 132}

Cases submitted to the Court¹³³

(i) *Continental shelf (Tunisia/Libyan Arab Jamahiriya)*

On 1 December 1978 the Government of Tunisia had 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 provided 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 provided time-limits for Memorials and Counter-Memorials to be filed by each Party.

On 19 February 1979 the Libyan Government likewise communicated to the Registry a copy in Arabic of the Special Agreement, together with a certified English translation.

On 20 February 1979 the Vice-President of the Court, having regard to the agreement reached between the two States in respect of the filing of pleadings, made an Order fixing 30 May 1980 as the time-limit for the submission of Memorials by either Party.¹³⁴

Each Memorial, having been filed within the time-limit, was communicated to the other Party at a meeting of the agents with the President of the Court.

(ii) *United States diplomatic and consular staff in Tehran (United States of America v. Iran)*

On 29 November 1979 the United States of America instituted proceedings against Iran in a case arising out of the situation at its Embassy in Tehran and Consulates at Tabriz and Shiraz, and the seizure and detention as hostages of its diplomatic and consular staff in Tehran and two more citizens of the United States. It requested at the same time the indication of provisional measures.

On 9 December 1979 the Minister for Foreign Affairs of Iran, in a letter to the Court, expressed the opinion that the Court could not, and should not, take cognizance of the case.

On 10 December 1979 the Court held a public hearing at which arguments were put forward on behalf of the United States by Mr. Benjamin R. Civiletti, Attorney-General, and Mr. Roberts B. Owen, the Agent of the United States. The Government of Iran was not represented at the hearing.

¹³⁰ A/CONF.62/WP.10/Rev.1.

¹³¹ For the composition of the Court, see *I.C.J. Yearbook 1978-79*, No. 33, p. 7.

¹³² As of 31 December 1979, 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 46.

¹³³ For detailed information, see *I.C.J. Yearbook 1978-1979*, No. 33 and *I.C.J. Yearbook 1979-1980*, No. 34.

¹³⁴ *I.C.J. Reports 1979*, p. 3.

On 15 December 1979 the Court made an Order, read at a public sitting on that date, indicating unanimously the following provisional measures:

“A. (i) The Government of the Islamic Republic of Iran should immediately ensure that the premises of the United States Embassy, Chancery and Consulates be restored to the possession of the United States authorities under their exclusive control, and should ensure their inviolability and effective protection as provided for by the treaties in force between the two States, and by general international law;

“(ii) The Government of the Islamic Republic of Iran should ensure the immediate release, without any exception, of all persons of United States nationality who are or have been held in the Embassy of the United States of America or in the Ministry of Foreign Affairs in Tehran, or have been held as hostages elsewhere, and afford full protection to all such persons, in accordance with the treaties in force between the two States, and with general international law;

“(iii) The Government of the Islamic Republic of Iran should, as from that moment, afford to all the diplomatic and consular personnel of the United States the full protection, privileges and immunities to which they are entitled under the treaties in force between the two States, and under general international law, including immunity from any form of criminal jurisdiction and freedom and facilities to leave the territory of Iran;

“B. The Government of the United States of America and the Government of the Islamic Republic of Iran should not take any action and should ensure that no action is taken which may aggravate the tension between the two countries or render the existing dispute more difficult of solution.”¹³⁵

By an Order of 24 December 1979 the President of the Court fixed time-limits for the filing of written pleadings.¹³⁶

6. INTERNATIONAL LAW COMMISSION¹³⁷

THIRTY-FIRST SESSION OF THE COMMISSION¹³⁸

The International Law Commission held its thirty-first session at Geneva, Switzerland, from 14 May to 3 August 1979. The session was mainly devoted to completing the first reading of the draft articles on succession of States in respect of matters other than treaties and continuing work on the draft articles on State responsibility and on treaties concluded between States and international organizations or between international organizations.

Regarding the first of these topics, the Commission completed the first reading of the 25 draft articles on succession of States in respect of State property and State debts, which it had provisionally adopted during the twenty-fifth and twenty-seventh to thirtieth sessions. It deleted former articles 9 to 11 and took decisions on certain pending matters relating to texts or parts thereof which had previously appeared in square brackets in former articles X, 14, 18 and 20; thus, it adopted on first reading texts for articles 1 to 23. The Commission also considered the eleventh report submitted by the Special Rapporteur on the topic,¹³⁹ devoted to the question of succession of States in respect of State archives and adopted on first reading texts for two articles (A and B) on State archives.

¹³⁵ *Ibid.*, p. 21.

¹³⁶ *Ibid.*, p. 23.

¹³⁷ For the membership of the Commission, see *Official Records of the General Assembly, Thirty-fourth Session, Supplement No. 10* (A/34/10), chap. I.

¹³⁸ For detailed information, see *Yearbook of the International Law Commission*, 1979, vol. I and vol. II [Parts One and Two] (United Nations publication, Sales No.: E.80.V.4, E.80.V.5 (Part I) and E.80.V.5 (Part II)).

¹³⁹ A/CN.4/322 and Corr.1 (English and French only) and Add.1 and 2.

With respect to State responsibility the Commission, on the basis of the eighth report of the Special Rapporteur,¹⁴⁰ provisionally adopted the texts for articles 28 to 32: article 28 deals with the question of responsibility of a State for the internationally wrongful act of another State and articles 29 to 32 concerning four circumstances precluding wrongfulness, namely consent, countermeasures in respect of an internationally wrongful act, *force majeure* and fortuitous event and distress; two circumstances (state of necessity and self-defence) still have to be dealt with for part I of the draft, devoted to the origin of State responsibility to be completed on first reading.

On the question of treaties concluded between States and international organizations or between two or more international organizations, the Commission, on the basis of the seventh and eighth reports submitted by the Special Rapporteur for the topic,¹⁴¹ provisionally adopted the texts for twenty-two articles forming part IV, "Amendment and modification of treaties" (articles 39 to 41) and a substantial portion of part IV, "Invalidity, termination and suspension of the operation of treaties" (articles 42 to 60).

The Commission also considered other topics, including the law of the non-navigational uses of international watercourses,¹⁴² the status of the diplomatic courier and the diplomatic bag not accompanied by diplomatic courier, jurisdictional immunities of States and their property¹⁴³ and review of the multilateral treaty-making process.

CONSIDERATION BY THE GENERAL ASSEMBLY

The report of the International Law Commission¹⁴⁴ was considered by the Sixth (Legal) Committee of the General Assembly at its thirty-fourth session.

On 17 December 1979, the General Assembly, on the recommendation of the Sixth Committee,¹⁴⁵ adopted resolution 34/141 whereby it approved the programme of work planned by the Commission for 1980 and recommended that it should (a) continue its work on succession of States in respect of matters other than treaties with the aim of completing, at its thirty-second (1980) session, the study of the question of State archives, and, at its thirty-third (1981) session, the second reading of the entire draft articles on succession of States in respect of matters other than treaties; (b) continue its work on State responsibility with the aim of completing, at its thirty-second (1980) session, the first reading of the set of articles constituting part I of the draft, and proceed to the study of the further part or parts of the draft with a view to making as much progress as possible in the elaboration of draft articles within the present term of office of the members of the Commission; (c) proceed with the preparation of draft articles on treaties concluded between States and international organizations or between international organizations with the aim of completing, at its thirty-second (1980) session, the first reading of these draft articles; (d) continue its work on the law of the non-navigational uses of international watercourses, on jurisdictional immunities of States and their property and on 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. It also requested the Commission to continue its work on the remaining topics in its current programme, namely, international liability for injurious consequences arising out of acts not prohibited by international law and the second part of the topic of relations between States and international organizations.

The Assembly expressed its appreciation to the Swiss Federal Council for the decision to accord, by analogy, to the members of the Commission, for the duration of the Commission's sessions at Geneva, the privileges and immunities to which the judges of the International Court of Justice are entitled while present in Switzerland, thereby facilitating the performance of the functions of the Commission's members.

¹⁴⁰ A/CN.4/318 and Addenda.

¹⁴¹ A/CN.4/312 and Corr.1 (French only) and A/CN.4/319.

¹⁴² See document A/CN.4/320.

¹⁴³ See document A/CN.4/323.

¹⁴⁴ *Official Records of the General Assembly, Thirty-fourth Session, Supplement No. 10* (A/34/10).

¹⁴⁵ See the report of the Sixth Committee to the thirty-fourth session of the General Assembly on agenda item 108 (A/34/785).

7. UNITED NATIONS COMMISSION ON INTERNATIONAL TRADE LAW¹⁴⁶

TWELFTH SESSION OF THE COMMISSION¹⁴⁷

The United Nations Commission on International Trade Law (UNCITRAL) held its twelfth session at Vienna, Austria, from 18 to 29 June 1979.

In the area of international trade contracts, the Commission discussed a report of the Secretary-General on "Barter or Exchange in International Trade"¹⁴⁸ and requested in this connexion that the Secretariat include, in the studies being conducted in respect of contract practices, consideration of clauses of particular importance in barter — like transactions. The Commission also discussed a report of the Secretary-General on "Liquidated damages and penalty clause"¹⁴⁹ and asked the Working Group on International Contract Practices to consider the feasibility of formulating uniform rules regulating liquidated damages and penalty clauses applicable to a wide range of international trade contracts. On the subject of clauses protecting parties against the effects of currency fluctuations, the Commission requested the Secretariat to pursue the subject further with the Study Group on International Payments and the Working Group on International Negotiable Instruments, with specific reference to the desirability and feasibility of work by the Commission on this topic, and to submit a report on its findings to the Commission with appropriate recommendations.

With respect to international payments, the Commission had before it the report of the Working Group on International Negotiable Instruments¹⁵⁰ which dealt with the progress made by the Working Group in the preparation of a draft convention on international bills of exchange and international promissory notes. It authorized the Working Group to proceed with the formulation of uniform rules for international cheques. Other topics which were discussed by the Commission included the question of stand-by letters of credit¹⁵¹ and that of the feasibility of uniform rules to be used in the financing of trade.¹⁵³

In the area of international commercial arbitration and conciliation, the Commission had before it a note by the Secretariat on "Issues relevant in the context of the UNCITRAL Arbitration Rules",¹⁵³ which discussed the use of the Rules in administered arbitration and the designation of an appointing body, as well as two studies made pursuant to the recommendations of the Asian-African Legal Consultative Committee (AALCC) to the Commission at the tenth session, entitled, respectively, "Study on the application and interpretation of the Convention on the Recognition and Enforcement of Foreign Arbitral Awards (New York, 1958)"¹⁵⁴ and "Further work in respect of international commercial arbitration".¹⁵⁵ The text of a preliminary draft of UNCITRAL Conciliation Rules¹⁵⁶ and a report of the Secretary-General entitled "Conciliation of international trade disputes"¹⁵⁷ were also before the Commission. The Commission deliberated on the Rules and requested the Secretary-General to prepare a revised draft after consultations with interested international organizations and arbitral institutions and also taking into account the views expressed at the session.

With respect to the new international economic order, the Commission requested the Working Group which it established on the matter to examine the report of the Secretary-General on the new

¹⁴⁶ For the membership of the Commission, see *Official Records of the General Assembly, Thirty-fourth Session, Supplement No. 46 (A/34/46)*, decision 34/308.

¹⁴⁷ For detailed information, see *Yearbook of the United Nations Commission on International Trade Law*, vol. X, 1979 (United Nations publication, Sales No. E.81.V.2).

¹⁴⁸ A/CN.9/159.

¹⁴⁹ A/CN.9/161.

¹⁵⁰ A/CN.9/157.

¹⁵¹ See document A/CN.9/163.

¹⁵² See document A/CN.9/165.

¹⁵³ A/CN.9/170.

¹⁵⁴ A/CN.9/168.

¹⁵⁵ A/CN.9/169.

¹⁵⁶ A/CN.9/166.

¹⁵⁷ A/CN.9/167.

international economic order¹⁵⁸ and to take into account the discussions on this subject by the Commission in order to make recommendations as to specific topics which could appropriately form part of the programme of work of the Commission and to report to the Commission at its thirteenth session.

Other matters which were considered by the Commission included transport law, training and assistance, and the state of signatures and ratifications of the Convention on the Carriage of Goods by Sea, 1978 (Hamburg Rules).¹⁵⁹

CONSIDERATION BY THE GENERAL ASSEMBLY

The report of UNCITRAL on the work of its twelfth session¹⁶⁰ was considered by the Sixth (Legal) Committee at the Assembly's 1979 session.

On the recommendation of the Sixth Committee,¹⁶¹ the General Assembly adopted without a vote, resolution 34/142 by which it, among other things, noted that the significant increase in economic and trade relations between States had given rise to increased activities of a legislative nature by international bodies and organs both within and without the United Nations system and expressed the view that in order to avoid duplication of work or the establishment of conflicting rules the Commission co-ordinate and co-operate with other organizations on the harmonization and unification of the law of international trade; the Assembly further called upon all Governments to co-ordinate activities related to participation in the various international organizations concerned with international trade and requested the Secretary-General to take effective steps to secure a close co-ordination, especially between those parts of the Secretariat which are serving the Commission, the International Law Commission, the United Nations Industrial Development Organization and the Commission on Transnational Corporations. Further, the Assembly requested that the Secretary-General give a report to the Commission at each of its sessions on the legal activities of international organs, bodies and organizations concerned, together with recommendations as to steps to be taken by the Commission.

The Assembly also adopted resolution 34/143, by which it, among other things, called upon the Commission to continue to take account of the relevant provisions of the resolutions concerning the new international economic order and noted with satisfaction that the Commission had taken positive action by establishing a Working Group on the New International Economic Order and by conferring on it a specific mandate.

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

(a) Question of enhancing the effectiveness of the principle of non-use of force in international relations

Pursuant to General Assembly resolution 33/96 of 16 December 1978, the Special Committee on Enhancing the Effectiveness of the Principle of Non-Use of Force in International Relations met at United Nations Headquarters from 17 April to 11 May 1979. The Special Committee decided to re-establish an open-ended working group whose mandate would be the same as that entrusted to the Committee itself. The discussions of the working group revolved around two papers. Since the

¹⁵⁸ A/CN.9/171.

¹⁵⁹ Reproduced on pp. 122 to 134 of the *Juridical Yearbook*, 1978.

¹⁶⁰ *Official Records of the General Assembly, Thirty-fourth Session, Supplement No. 17* (A/34/17).

¹⁶¹ See the report of the Sixth Committee to the thirty-fourth session of the General Assembly on agenda item 111 (A/34/801).

Committee had not completed its work, it recognized the desirability of further consideration of the questions before it. Many delegations supported the continuation of the Committee's work and stressed the importance of the issues. On the other side there were delegations which took the position that the renewal of the mandate was a matter falling within the competence of the General Assembly.¹⁶²

At the thirty-fourth session of the General Assembly, in the Sixth Committee, different views were expressed on the results of the work of the Special Committee and on the advisability of renewing its mandate.¹⁶³

By resolution 34/13 of 9 November 1979, adopted by a recorded vote of 71 to 14, with 13 abstentions, the General Assembly, *inter alia*, decided that the Special Committee should continue its work with the goal of drafting, at the earliest possible date, a world treaty on the non-use of force in international relations as well as the peaceful settlement of disputes or such other recommendations as the Committee deemed appropriate.¹⁶⁴

(b) Question of measures to prevent international terrorism

In accordance with General Assembly resolution 32/147 of 16 December 1977, the *Ad Hoc* Committee on International Terrorism met at United Nations Headquarters from 19 March to 6 April 1979. It held a general debate on the question and decided to establish an open-ended Working Group of the Whole to deal with the questions related to the causes of international terrorism and the measures to be taken against it, in that order. The Working Group examined several working papers on both issues. On the basis of the proposal made by its Working Group, the *Ad Hoc* Committee submitted to the General Assembly a number of recommendations relating to practical measures of co-operation for the speedy elimination of the problem of international terrorism.¹⁶⁵

At the thirty-fourth session of the General Assembly, the report of the *Ad Hoc* Committee was discussed in the Sixth Committee and different views were expressed regarding the future of the item.¹⁶⁶

The General Assembly, by resolution 34/145 of 19 December 1979, adopted by a recorded vote of 118 to none, with 22 abstentions, decided, *inter alia*, to welcome the results achieved by the *Ad Hoc* Committee during its last session, to adopt the recommendations submitted to the General Assembly relating to practical measures of co-operation for the speedy elimination of the problem of international terrorism,¹⁶⁷ and to request the Secretary-General to prepare a compilation on the basis of material provided by Member States of relevant provisions of national legislation dealing with the combatting of international terrorism, and to follow up, as appropriate, the implementation of the recommendations contained in the report of the *Ad Hoc* Committee and to submit a report to the General Assembly at its thirty-sixth session. It also decided to include the item in the provisional agenda of its thirty-sixth session.

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

Pursuant to General Assembly resolution 33/19 of 29 November 1978, 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 29 January to 16 February 1979. It re-established the two working

¹⁶² *Official Records of the General Assembly, Thirty-fourth Session, Supplement No. 41 (A/34/41).*

¹⁶³ *Ibid.*, *Thirty-fourth Session, Annexes*, agenda item 116, document A/36/642; and *ibid.*, *Thirty-fourth Session, Sixth Committee*, 16th-25th meetings.

¹⁶⁴ General Assembly resolution 34/13, para. 2.

¹⁶⁵ *Official Records of the General Assembly, Thirty-fourth Session, Supplement No. 37 (A/34/37).*

¹⁶⁶ *Ibid.*, *Thirty-fourth Session, Annexes*, agenda item 112, document A/34/786; and *ibid.*, *Thirty-fourth Session, Sixth Committee*, 4th, 6th-10th, 57th and 59th meetings.

¹⁶⁷ *Ibid.*, *Thirty-fourth Session, Supplement No. 37 (A/34/37)*, para. 118; see also the operative paragraphs of General Assembly resolution 34/145.

groups under the same conditions as the previous year.¹⁶⁸ Working Group I was requested to examine the thornier questions connected with the drafting of an international convention against the taking of hostages which it had identified in 1978 as relating to the scope of the convention and the question of national liberation movements, to the question of the definition of taking of hostages, to the question concerning extradition and right of asylum and to the question concerning the respect for the principles of sovereignty and territorial integrity of States with regard to the release of hostages; it was also requested, in connexion with those questions, to try to find some common ground by means of consultations. Working Group II was requested to deal with draft articles that were not generally controversial and with texts on which Working Group I had come to an agreement.

On the basis of the reports of the two Working Groups, which it approved, the *Ad Hoc* Committee prepared the draft of an international convention against the taking of hostages, which it recommended to the General Assembly for further consideration and adoption. The text of the draft convention included provisions which had not been completely agreed upon and which appeared therein in square brackets.¹⁶⁹

At the thirty-fourth session of the General Assembly, the Sixth Committee agreed that the draft convention prepared by the *Ad Hoc* Committee would, after initial consideration within the Sixth Committee, be referred to a Working Group made up of those States which were members of the *Ad Hoc* Committee, with the understanding that its membership would be open-ended. The Working Group would review the draft convention on an article-by-article basis and would report back to the Sixth Committee at a later stage.¹⁷⁰ On the basis of the report of the Working Group, the Sixth Committee recommended to the General Assembly the adoption of a draft resolution containing as an annex the text of an International Convention against the Taking of Hostages.¹⁷¹

By resolution 34/146 of 17 December 1979, the General Assembly adopted without a vote the draft resolution recommended by the Sixth Committee. The text of the Convention is reproduced below in chapter IV.

(d) Question concerning the Charter of the United Nations and the enhancing of the role of the Organization

Pursuant to General Assembly resolution 33/94 of 16 December 1978, the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization met at the United Nations Office at Geneva from 19 February to 16 March 1979. An open-ended Working Group was established which discussed all three topics referred to in paragraph 3 of resolution 33/94, namely, the question of the peaceful settlement of disputes, the question of rationalization of existing procedures and the question of the maintenance of international peace and security. It considered working papers on the two latter items and prepared a list of proposals on the question of the peaceful settlement of disputes, allocating priorities for its future work on the matter, subject to the approval of the General Assembly.¹⁷²

At the thirty-fourth session of the General Assembly, different views were expressed in the Sixth Committee on the results achieved by the Special Committee and, particularly, on the contents of its further mandate, as well as on the appropriateness of renewing it.¹⁷³

The Assembly, by resolution 34/147 of 17 December 1979, adopted by a recorded vote of 116 to none, with 23 abstentions, decided to renew the mandate of the Committee.¹⁷⁴

¹⁶⁸ See *Juridical Yearbook*, 1978, p. 84.

¹⁶⁹ *Official Records of the General Assembly, Thirty-fourth Session, Supplement No. 39 (A/34/39)*.

¹⁷⁰ *Ibid.*, *Thirty-fourth Session, Annexes*, agenda item 113, document A/34/819.

¹⁷¹ The draft resolution as a whole was recommended by consensus. A vote was taken on article 9 of the draft, which was recommended by a vote of 103 to 10, with 4 abstentions (*ibid.*, para. 14 (a) and (b)).

¹⁷² *Official Records of the General Assembly, Thirty-fourth Session, Supplement No. 33 (A/34/33)*.

¹⁷³ *Ibid.*, *Thirty-fourth Session, Annexes*, agenda item 114, document A/34/769.

¹⁷⁴ See, in particular, paras. 2, 3 and 4 of resolution 34/147.

(e) State of signatures and ratifications of the Protocols Additional to the Geneva Convention of 1949 concerning the respect for human rights in armed conflicts

By its resolution 34/51 of 23 November 1979 adopted without a vote the General Assembly, *inter alia*, reiterated its call contained in resolution 32/44 that all States consider without delay the matter of ratifying or acceding to the two Protocols Additional to the Geneva Conventions of 1949 concerning the respect for human rights in armed conflicts and it requested the Secretary-General to inform the General Assembly, preferably at the beginning of each calendar year, of the state of ratification of, and accession to, the two Protocols with a view to enabling it to take the matter up at a later stage if it deemed it appropriate.

(f) Consolidation and progressive development of the principles and norms of international economic law relating in particular to the legal aspects of the new economic order

By its resolution 34/150 of 17 December 1979, adopted by a recorded vote of 112 to 6, with 26 abstentions, the General Assembly, *inter alia* requested the Secretary-General, in collaboration with UNITAR and in co-ordination with UNCITRAL, to study the question of the consolidation and progressive development of the principles and norms of international economic law relating in particular to the legal aspects of the new international economic order, with a view to embodying them in one or more instruments as appropriate; the Assembly also invited Member States to submit their views on the question and it requested the Secretary-General to submit to the Assembly at its thirty-fifth session a preliminary report on the study and the views of Governments received.

9. UNITED NATIONS INSTITUTE FOR TRAINING AND RESEARCH¹⁷⁵

UNITAR continued to administer the International Law Fellowship Programme, as a major part of the United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law. Under the same Programme, UNITAR also organized jointly with The Hague Academy of International Law a regional training and refresher course in international law for Latin America which was held in Mexico City in May 1979. The seminar leaders were legal experts from Latin America and other parts of the world.

The research activities of the Institute were carried out in 1979 in two programmes namely a programme on the United Nations and the new international economic order and a programme in international law, diplomacy and security. Under the latter programme UNITAR formulated a research project on *travaux préparatoires* of United Nations multilateral conventions concentrating on specific conventions such as the 1951 Convention relating to the Status of Refugees;¹⁷⁶ another project under the same programme consists of a thorough and comprehensive study of the impact of scientific and technological change on the responsibility of States for injuries in international law arising from their misuse or negligent control of technologically advanced instruments, materials or fuels.

¹⁷⁵ For detailed information see *Official Records of the General Assembly, Thirty-fourth Session, Supplement No. 14 (A/34/14)*, and *ibid.*, *Thirty-fifth Session, Supplement No. 14 (A/35/14)*.

¹⁷⁶ United Nations, *Treaty Series*, vol. 189, p. 137.

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

1. INTERNATIONAL LABOUR ORGANISATION¹⁷⁷

1. The International Labour Conference (ILC), which held its 65th Session in Geneva in June 1979, adopted the following instruments: a Convention and a Recommendation concerning Occupational Safety and Health in Dock Work;¹⁷⁸ and a Convention and a Recommendation concerning Hours of Work and Rest Periods in Road Transport.¹⁷⁹

2. ILC also adopted certain amendments to its Standing Orders:¹⁸⁰

- (i) Article 19 of the Standing Orders of the International Labour Conference was amended to introduce the possibility of secret ballots in the International Labour Conference in certain circumstances.
- (ii) Article 32 of the Standing Orders of the International Labour Conference was amended to make it unnecessary to reopen annually the question of the right to vote of members having arrears of contributions but complying with an arrangement for their payment by instalments.

3. The Committee of Experts on the Application of Conventions and Recommendations met in Geneva from 15 to 28 March 1979, and presented its report.¹⁸¹

4. The Governing Body Committee on Freedom of Association met in Geneva and adopted Reports Nos. 190,¹⁸² 191,¹⁸² 192¹⁸² and 193¹⁸² (209th Session of the Governing Body, February-March 1979); Reports Nos. 194,¹⁸³ 195¹⁸³ and 196¹⁸³ (210th Session of the Governing Body, May-June 1979); and Reports 197¹⁸⁴ and 198¹⁸⁴ (211th Session of the Governing Body, November 1979).

¹⁷⁷ 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.

¹⁷⁸ *Official Bulletin*, vol. LXII, 1979, Series A, No. 2, pp. 57-70 and 76-79. Regarding preparatory work, see: *First Discussion*—Revision of the Protection against Accidents (Dockers Convention (Revised)), 1932 (No. 32) ILC, 64th Session (1978), Report VI (1) (this report contains, *inter alia*, details of the action which led to the placing of the question on the agenda of the Conference) and Report VI (2), 64 and 105 pages respectively. See also ILC, 64th Session (1978) *Provisional Record of Proceedings*, Nos. 30; 34, pp. 15-18. *Second Discussion*—Revision of the Protection against Accidents (Dockers Convention (Revised)), 1932 (No. 32), ILC, 65th Session (1979), Report IV (1) and Report IV (2), 82 and 97 pages respectively. See also ILC, 65th Session (1979), *Provisional Record of Proceedings*, Nos. 28; 28A; 28B; 35, pp. 1-6; 39, pp. 3-4.

¹⁷⁹ *Official Bulletin*, vol. LXII, 1979, Series A, No. 2, pp. 70-76 and 80-85. Regarding preparatory work, see: *First Discussion*—Hours of Work and Rest Periods in Road Transport, ILC, 64th Session, 1978, 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), 77 and 112 pages respectively. See also ILC, 64th Session (1978), *Provisional Record of Proceedings* Nos. 32; 35, pp. 27-31. *Second Discussion*—Hours of Work and Rest Periods in Road Transport, ILC, 65th Session (1979), Report V (1) and Report V (2), 64 and 73 pages respectively. See also ILC, 65th Session (1979), *Provisional Record of Proceedings*, Nos. 32; 32A; 32B; 37, pp. 4-11; 39, pp. 1-3; 44, pp. 1-2.

¹⁸⁰ ILC, 65th Session (1979), *Provisional Record of Proceedings*, Nos. 3; 24; 29, pp. 1-7. *Official Bulletin*, Vol. LXII, 1979, Series A., No. 2, pp. 115-116.

¹⁸¹ This report has been published as Report III (Part 4) to the 65th Session of the Conference and comprises two volumes: Vol. A: "General Report and Observations concerning Particular Countries" (Report III (Part 4A)), 258 pages. Vol. B: "General Survey on the Reports concerning the Forced Labour Convention, 1930 (No. 29), and the Abolition of Forced Labour Convention, 1957 (No. 105)" (Report III (part 4B)), 101 pages.

¹⁸² *Official Bulletin*, vol. LXII, 1979, Series B, No. 1.

¹⁸³ *Ibid.*, No. 2.

¹⁸⁴ *Ibid.*, No. 3.

2. FOOD AND AGRICULTURE ORGANIZATION OF THE UNITED NATIONS

I. OFFICE OF THE LEGAL COUNSEL¹⁸⁵

1. *Constitutional matters*

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

(a) *Amendments to the Basic Texts of the Organization and to the Statutes of FAO bodies*

The Conference adopted, at its twentieth session (10-29 November 1979), the following resolutions or decisions:

A resolution amending the French version of the Constitution and the General Rules of the Organization and correcting a mistake in the terminology used in all language versions of Article IV.2 of the Constitution;¹⁸⁶

A resolution amending Rules XXVI.9 and XXVII.9 of the General Rules of the Organization to permit full reimbursement of travel costs properly incurred by representatives of members of the Programme and Finance Committees;¹⁸⁷

A resolution amending Rule XXXII of the General Rules of the Organization to make explicit reference to nutrition in the terms of reference of the Committee on Agriculture;¹⁸⁸

A resolution adding to the Basic Texts procedures for the establishment and abolition of statutory bodies created under Articles VI, XIV or XV of the Constitution.¹⁸⁹

The Council, at its seventy-fifth session (June 1979), decided to amend its Rules of Procedure to increase the number of its Vice-Chairmen from two to three.¹⁹⁰

(b) *Admission to membership*

The Conference admitted Dominica, Samoa and Saint Lucia to membership in the Organization.¹⁹¹

(c) *Agreements and arrangements with intergovernmental organizations and bodies*

Intersecretariat arrangements relating to co-operation were concluded between FAO and certain intergovernmental organizations and bodies including the World Tourism Organization, the Arab Authority for Agricultural Investment (AAAID) and the West African Economic Community.

(d) *Treaties concluded under Article XIV of the FAO Constitution*¹⁹²

The Council, at its seventy-fifth session (June 1979), adopted a resolution approving amendments to the Plant Protection Agreement for the South-East Asia and Pacific Region.¹⁹³

¹⁸⁵ For general information on the organization and functions of the Office of the Legal Counsel, see *Juridical Yearbook*, 1972, p. 60.

¹⁸⁶ C 79/REP, paras. 433-434.

¹⁸⁷ *Ibid.*, paras. 435-438.

¹⁸⁸ *Ibid.*, paras. 444-447.

¹⁸⁹ *Ibid.*, paras. 439-443.

¹⁹⁰ CL 75/REP, paras. 3-4.

¹⁹¹ C 79/REP, paras. 486-489.

¹⁹² The Office of the Legal Counsel prepared for submission to the twentieth session of the FAO Conference a report reflecting the present status of all treaties of which the Director-General is the depositary (C 79/10 and Suppl.1). See also C 79/III/PV/1 and PV/6, C 79/PV/19 and C 79/REP, para. 449.

¹⁹³ CL 75/REP, paras. 194-196 and appendix G.

These amendments come into force as from the thirtieth day after their acceptance by two thirds of the contracting parties.

The Council, at its seventy-sixth session (November 1979), adopted a resolution approving 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.¹⁹⁴ These amendments came into force on the date of their approval by the Council.

The Conference, at its twentieth session (November 1979), adopted a resolution approving amendments to the International Plant Protection Convention.¹⁹⁵ These amendments come into force as from the thirtieth day after their acceptance by two thirds of the contracting parties. The Conference resolution stressed the fact that it was in the interest of the international community that the revised text should enter into force without delay and recommended that parties to any dispute arising out of the Convention seek settlement through diplomatic or other channels before having recourse to the procedures for settlement of disputes as provided for in the Convention.

(e) *Treaties adopted at conferences convened by FAO*¹⁹²

Agreement for the Establishment of a Centre on Integrated Rural Development for Africa (CIRD Africa).

A Government Consultation, consisting of plenipotentiaries from 34 African States, which met in Arusha, United Republic of Tanzania, from 18 to 21 September 1979, adopted and opened for signature the aforementioned Agreement setting up a Centre outside the framework of FAO. Pursuant to paragraph 2 of Article XXII, the Agreement was open for signature in Arusha on 21 September 1979, and this thereafter open for signature at FAO Headquarters in Rome.

In accordance with Article XII, paragraph 1, of the Agreement, States listed in its 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 African States may be admitted by the Governing Council of the Centre in accordance with Article XII, paragraph 5.

Article XII, paragraph 4, of the Agreement provides that it will enter into force with respect to all States that have ratified or acceded to it when instruments of ratification or accession have been deposited by the Government of the United Republic of Tanzania and by the Governments of at least five other eligible States.

By 31 December 1979, the Agreement had been signed, subject to ratification, by the representatives of 19 States. By the said date, instruments of ratification had been received from two governments including the host Government.

(f) *Activities of legal interest relating to commodities and international trade*

The Informal Price Arrangements operated under the Intergovernmental Group on Hard Fibres were reviewed in April 1979. The indicative price range of East African U.G. sisal was raised, while export quotas were left suspended pending review.¹⁹⁶

The Intergovernmental Group on Hard Fibres reached broad agreement on the objectives of a new body — Coir International, to be created in order to initiate and co-ordinate research, development and promotional programmes for Coir.¹⁹⁴

The indicative price ranges of the Informal Arrangement on Jute, Kenaf and Allied Fibres were reviewed by the Intergovernmental Group in October 1979. The indicative price for jute was retained for 1979/1980 at the 1978 level and the price range for Thai kenaf was raised.¹⁹⁸

¹⁹⁴ CL 76/REP, paras. 91-92 and appendix F.

¹⁹⁵ C 79/REP, paras. 450-455 and appendix G.

¹⁹⁶ CCP 79/5, para. 7, April 1979.

¹⁹⁷ *Ibid.*, paras. 32-35, April 1979.

¹⁹⁸ CCP 79/15, paras. 20 and 22, October 1979.

In 1979, intergovernmental groups (on Rice, Meat and on Oilseeds, Oils and Fats) showed continued preference for the use of International Guidelines to provide a “code of conduct” to attain certain agreed goals, as an alternative to formal commodity arrangements. The Intergovernmental Group on Rice adopted a revised and strengthened set of Guidelines on National and International Action on Rice.¹⁹⁹ The Intergovernmental Group on Oilseeds, Oils and Fats considered in detail draft Guidelines for International Co-operation with respect to these commodities.²⁰⁰

(g) *World Conference on Agrarian Reform and Rural Development (WCARRD)*

The Legal Office provided services to this Conference held in Rome from 12-20 July 1979. The report of the Conference²⁰¹ includes a Declaration of Principles and a Programme of Action the implementation of which would, *inter alia*, require legislative action by Governments in some of the specific fields discussed at the Conference. The WCARRD Declaration of Principles and Programme of Action was endorsed by resolution No. 7/79 of the twentieth session of the FAO Conference (November 1979)²⁰² and by resolution No. A/RES/34/14 of the thirty-fourth session of the United Nations General Assembly (November 1979).

At its twentieth session, the FAO Conference adopted a resolution endorsing the Plan of Action on World Food Security that had been approved by the Council at its seventy-fifth session.²⁰³

(h) *United Nations Human Rights Covenants*

As provided for in operative paragraph 8 of Economic and Social Council resolution 1988 (LX), on procedures for the implementation on the International Covenant on Economic, Social and Cultural Rights, in 1979 FAO co-operated with the United Nations in the preparation of general guidelines for reports under part IV of the Covenant. The guidelines related to reports concerning Articles 10 to 12 of the Covenant.

(i) *Miscellaneous resolutions and decisions of legal interest*

At its twentieth session (November 1979), the FAO Conference adopted a resolution on the FAO Regional Office for the Near East²⁰⁴; and a decision endorsing the proposed change in the title of the FAO Regional Office for Asia and the Far East and of the Regional Conference for Asia and the Far East to “Regional Office for Asia and the Pacific” and “Regional Conference for Asia and the Pacific”;²⁰⁵

The Director-General promulgated a revised text of Section 331 of the Administrative Manual, “Appeals”, setting out new and more detailed procedures regarding internal appeals.

2. *Law of the Sea and International Fisheries*

At its thirteenth session in October 1979, the FAO Committee on Fisheries approved detailed proposals submitted by the Secretariat for the planning and execution of a comprehensive programme to assist developing coastal States in managing and developing fisheries in their exclusive economic zones. The Committee particularly welcomed the key role accorded to the FAO regional fishery bodies as instruments for the execution of the Programme, but recognized that it might be necessary to make adjustments in their present structure so that they could better reflect such factors as shared stocks or fisheries, common problems or opportunities and other natural affinities among the coastal States concerned. In reviewing the legal and institutional implications of

¹⁹⁹ CCP 79/4, para. 55, March 1979.

²⁰⁰ CCP 79/3, paras. 21-22, February 1979.

²⁰¹ WCARRD/REP, July 1979.

²⁰² C 79/REP, paras. 372-385.

²⁰³ *Ibid.*, paras. 74-87; CL 75/REP, paras. 30-41.

²⁰⁴ *Ibid.*, paras. 484-485.

²⁰⁵ *Ibid.*, paras. 437-446.

the new ocean régime, the Committee identified five main topics on which research and technical assistance could be concentrated. These were national legislation, surveillance and enforcement, fisheries development corporations, joint ventures and other bilateral agreements, and small-scale fisheries development. In order to provide such assistance, four regional fisheries law advisory programmes have been set up, covering the Indian Ocean, West Africa, Caribbean and Western Pacific/South China Sea regions.

The Committee also noted with satisfaction that the Indo-Pacific Fishery Commission and the Indian Ocean Fishery Commission were giving urgent attention to proposals for short- and long-term management of tunas. The view was expressed that FAO has a vital role to play in assisting developing countries to weigh options for the development of their tuna fisheries and the Committee emphasized the importance of all regional tuna bodies addressing the growing problems and opportunities resulting from the extension of fisheries jurisdiction by coastal States.

At its sixth session in December 1979, the Fishery Committee for the Eastern Central Atlantic adopted a recommendation concerning minimum mesh size for the exploitation of all demersal species and formulated procedures to ensure the prompt and full enforcement of this measure. It requested the preparation by FAO of a study on the operation of fishery joint ventures in the region and the convening of a special consultation on this subject. It also requested a study on the possibilities for sub-regional or regional co-operation in matters related to methods of control and surveillance, which should serve as background documentation for a consultation of coastal countries in the area to be convened by FAO.

3. *Environmental Law*

FAO assistance also related to international and national environment law, including advice on desertification control and rangelands management legislation (Tunisia). The Legal Office continued its co-operation with the United Nations Environment Programme (UNEP), completed the preparatory legal work for the joint project on the protection of the marine environment in the Gulf of Guinea and adjacent areas. It took part in the UNEP Joint Programme exercises and in the UNEP work on the Mediterranean Action Plan, carrying out preparatory legal work for a co-operative programme for the promotion and establishment of marine parks and protected areas in the Mediterranean. It helped in the finalization of the World Conservation Strategy. In addition, it has begun research on the legal aspects of the assessment of the environment impact of agricultural development.

II. LEGISLATION BRANCH²⁰⁶

(a) *Activities connected with international meetings*

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

Council of Europe, European workshop on problems related to the modification of water resources (Strasbourg, France, 18-24 March 1979).

UNCTC/SCSP/FAO regional training workshops on joint venture agreements in fisheries (Manila, Philippines, 15-27 January 1979).

Interorganization meeting for the study of a Draft Convention on Inspection Services at the Frontier, organized by the Economic Commission for Europe (Geneva, Switzerland, 9-11 July 1979).

²⁰⁶ For general information on the organization and functions of the Legislation Branch, see *Juridical Yearbook*, 1972, p. 62, note 59.

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

During the course of 1979 legislative assistance was given to the following:

International water resources law (Kenya);

Fisheries legislation (Algeria, Bangladesh, Cayman Islands, Guinea, Kenya, Liberia, Mauritania, Oman, Seychelles, Sierra Leone, Somalia, Sri Lanka);

Forestry legislation (Mozambique);

Seed legislation (Sudan);

Milk legislation (Pakistan);

Fertilizer legislation (Thailand);

Agricultural credit legislation (Venezuela).

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

Assistance and advice were provided to Governments, agencies, projects or FAO technical departments on the following subjects: water law in Libya and in the United Arab Emirates; fisheries legislation in Papua New Guinea, New Hebrides, Sri Lanka and Malaysia; forestry co-operation in the Yemen Arab Republic; weedkillers legislation for the Sudan; food legislation for Turkey; food hygiene standards for China; legislation on food-packaging materials for Romania; and a draft Code of Practice for the inspection of slaughter animals for the Joint FAO/WHO Codex Alimentarius Commission.

(d) *Legislative research and publications*

Research was conducted, *inter alia*, on water legislation in selected European countries and in South American countries; legal aspects of irrigation associations in Latin America; legal-institutional aspects of international rivers in Africa; crop insurance legislation; coastal State requirements for foreign fisheries; parastatal bodies in fisheries; forestry legislation in South-East Asia; wildlife and protected areas legislation in selected countries of Europe; and seed legislation in various countries.

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

FAO publishes, semi-annually, the *Food and Agricultural Legislation*. Annotated lists of relevant laws and regulations appear regularly in *Land reform, land settlement and cooperatives*, a semi-annual FAO publication. Similar lists are also published in the semi-annual *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

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:

<i>State</i>	<i>Date of signature</i>	<i>Date of deposit of instrument of acceptance</i>
Commonwealth of Dominica	20 November 1978	9 January 1979
Equatorial Guinea	29 November 1979	29 November 1979

Under the terms of the relevant provisions of the Constitution²⁰⁷ each of the above-mentioned States became a member of the organization on the respective date its acceptance took effect.

In the case of the Commonwealth of Dominica, as it was then not a Member State of the United Nations, article II (2) of the UNESCO Constitution applied to it. Thus, before the Commonwealth of Dominica deposited its instrument of acceptance, the General Conference had, following an application received from the Government of this State and upon recommendation of the Executive Board, adopted by the required two-thirds majority a resolution admitting it to membership of UNESCO.²⁰⁸

2. INTERNATIONAL REGULATIONS

(a) *Instruments adopted by international conferences of States convened by UNESCO*

Multilateral Convention for the Avoidance of Double Taxation of Copyright Royalties and additional Protocol (adopted on 13 December 1979 at Madrid, Spain).

Convention on the Recognition of Studies, Diplomas and Degrees concerning Higher Education in the States belonging to the Europe Region (adopted on 27 December 1979 at Paris, France).

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

In pursuance of Article 15 of the “Rules of Procedure concerning Recommendations to Member States and International Convention covered by the terms of Article IV, paragraph 4, of the Constitution”, the Director-General transmitted to Member States in early 1979 certified copies of the following four recommendations which were adopted by the General Conference during its twentieth session held at its headquarters from 24 October to 28 November 1978:

Revised recommendation concerning international competitions in architecture and town planning;

Recommendation for the protection of movable cultural property;

Revised recommendation concerning the international standardization of educational statistics;

Recommendation concerning the international standardization of statistics on science and technology.

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

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

(c) *Preparation of new instruments*

In implementation of decisions²⁰⁹ taken by the General Conference at its twentieth session to that effect, and in accordance with article 10 (1) and (2) of the “Rules of Procedure concerning Recommendations to Member States and International Conventions covered by the terms of

²⁰⁷ See articles II and XV of the UNESCO Constitution.

²⁰⁸ See resolution C/O.72, 6 November 1978.

²⁰⁹ See resolutions 20 C/4/3.6/3, 20 C/4/7.6/1(II), and 20 C/5/10.2/1(II).

Article IV, paragraph 4, of the Constitution”, the Director-General prepared and transmitted to Member States for their comments and observations preliminary reports on the following subjects:

The condition of the artist;²¹⁰

The safeguarding and preservation of moving images;²¹¹

The international standardization of statistics on public financing of cultural activities.²¹²

3. COPYRIGHT AND NEIGHBOURING RIGHTS

(a) *Universal Copyright Convention*

The Intergovernmental Copyright Committee (IGC), established by article XI of the Convention as revised at Paris on 24 July 1971, and for which UNESCO provides the secretariat, held its two-part split-up third ordinary session — the first part at the headquarters of the World Intellectual Property Organization (WIPO) in Geneva from 5 to 9 February 1979 and the second part at UNESCO headquarters in Paris from 24 to 31 October 1979.

During the course of those two split-up sessions IGC deliberated upon a number of questions, some of which concerned IGC alone and others which equally concerned the Executive Committee of the Berne Union which held its fourteenth (fifth ordinary) and sixteenth (sixth ordinary) sessions, respectively, at the same places and on the same dates.

As regards matters concerning IGC alone, (i) it set up a Sub-Committee to prepare the revision of its Rules of Procedure (Rules 47 and 48) and to examine the relationship between Article XI, paragraph 3, of the 1952 text and the same Article of the 1971 text of the Convention; (ii) the Committee also decided to amend Rule 22 of its Rules of Procedure, adding Arabic and Russian to the list of its working languages.

The problems of common interest to the two Committees which were considered are: (i) the problems raised by the application of the Convention Relating to the Distribution of Programme-Carrying Signals Transmitted by Satellite. The Convention entered into force with effect from 25 August 1979; (ii) those concerning the application of the Paris Texts of 1971 of the Universal Copyright Convention and of the Berne Convention in respect of access by developing countries to works protected under these Conventions; (iii) copyright problems arising from the use of computers for access to protected works or the creation of works; (iv) the problems arising from the transmission by cable of television programmes and those arising from the use of audio-visual cassettes and discs; (v) the report prepared by the World Council for Welfare of the Blind (WCWB) on the application of the Universal Copyright Convention and of the Berne Convention to materials specially intended for the blind; and (vi) cognizance was taken of the results of the studies of UNESCO on a global and interdisciplinary basis of all aspects — cultural, social, legal, etc. — of the protection of folklore.²¹³

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

The Intergovernmental Committee established under article 32 of the Rome Convention, for which the ILO, UNESCO and WIPO provide the joint secretariat, held its seventh ordinary session at UNESCO headquarters in Paris on 22 and 30 October 1979.

At this session the Committee considered, in particular, (i) the report of its Sub-Committee on the implementation of the Rome Convention (Geneva, 29 January-2 February); (ii) the application of the Convention for the Protection of Producers of Phonograms against Unauthorized

²¹⁰ See document CC/MD/43.

²¹¹ See document CC-79/WS/95.

²¹² See document ST/MD/3.

²¹³ See documents IGC(1971)/III/19 (Report of the First Part) and IGC(1971)/III/30 (Report of the Second Part).

Duplication of their Phonograms (Phonogram Convention); (iii) the application of the Convention Relating to the Distribution of Programme-Carrying Signals Transmitted by Satellite (Satellite Convention) — it noted the coming into force of the Convention with effect from 25 August 1979; (iv) the report of its Sub-Committees on (a) the transmission of television programmes by cable (July 1978), and (b) the legal problems arising from the use of video-cassettes and discs (September 1978).²¹⁴

- (c) *Sub-Committee of the Intergovernmental Committee of the International Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organizations (Rome Convention) on the Implementation of that Convention*

In pursuance of the decisions of the Intergovernmental Committee of the Rome Convention at its sixth ordinary session (Geneva, December 1977), a Sub-Committee of the said Intergovernmental Committee on the implementation of the Rome Convention met at Geneva from 29 January to 2 February 1979 to study the replies to the joint ILO/UNESCO/WIPO inquiry on the application and implementation of the said Convention and to recommend further action to the seventh ordinary session of the Intergovernmental Committee. The Sub-Committee studied the joint ILO/UNESCO/WIPO report on the inquiry mentioned above and adopted certain recommendations to promote adherence to the Convention and to provide guidance to the States on the implementation and practical application of the Convention. The recommendations were submitted to and approved by the seventh ordinary session of the Intergovernmental Committee at its October 1979 session.²¹⁵

- (d) *Working Group on Copyright Problems Arising from the Use of Computers for Access to Protected Works or the Creation of Works*

In accordance with the decisions of their respective governing bodies as well as the recommendations made by the Intergovernmental Committee of the Universal Copyright Convention and the Executive Committee of the Berne Union at their November-December 1977 sessions, as also the said Committees' deliberations at their February 1979 sessions, the secretariat of UNESCO and the International Bureau of WIPO jointly convened a working group to study the copyright problems arising from the use of computers for access to protected works or the creation of works. The Working Group, which met in Geneva from 28 to 31 May 1979, based its discussions on two reports on (i) copyright problems arising from the use of electronic computers and related facilities for storage and retrieval of copyright works, and (ii) problems arising from the use of electronic computers for creation of works. The two Committees, at their October 1979 sessions, noted the contents of the Working Group's report²¹⁶ and the fact that a Committee of Governmental Experts on these problems will be convened in 1980.

- (e) *Committee of Governmental Experts on the Implementation of the Convention Relating to the Distribution of Programme-Carrying Signals Transmitted by Satellite (Satellite Convention)*

Pursuant to resolution 5/9.2/1/I adopted by the General Conference of UNESCO at its twentieth session and the decisions taken by the governing bodies of WIPO at their September 1978 sessions, a Committee of Governmental Experts on the Implementation of the Convention Relating to the Distribution of Programme-Carrying Signals Transmitted by Satellite was convened jointly by UNESCO and WIPO, which met at UNESCO headquarters in Paris from 11 to 14 June 1979. On the basis of the guiding principles for the implementation of that Convention prepared by an earlier Working Group on the subject (April 1978) and which consisted of two draft model provisions, the Committee of Governmental Experts adopted the texts of the said two draft model provisions, one granting broadcasting organizations the right to authorize or prohibit the distribution of their signals and the other prohibiting operations governed by the Convention.²¹⁷

²¹⁴ Report of the seventh ordinary session of the Committee, ILO/UNESCO/WIPO/ICR/7/11.

²¹⁵ Report of the Sub-Committee, ILO/UNESCO/WIPO/ICR/SC.1/IMP/5.

²¹⁶ UNESCO/WIPO/GTO/8.

²¹⁷ See report of the Committee of Governmental Experts, UNESCO/WIPO/SAT/CEG/1/6.

(f) *Application of the revised Paris texts of 1971 of the Universal Copyright Convention and of the Berne Convention in respect of Developing Countries: Working Group on the Overall Problems Posed for Developing Countries by Access to Works Protected under these Conventions*

In accordance with the decisions taken by the Intergovernmental Committee of the Universal Copyright Convention and the Executive Committee of the Berne Union at the November-December 1977 sessions, the secretariat of UNESCO and the International Bureau of WIPO convened a Working Group to undertake an over-all study of the problems posed for developing countries by access to works protected under the revised texts of 1971 of the Universal Copyright Convention and of the Berne Convention which met in Paris from 2 to 6 July 1979. The Working Group based its deliberations on the replies by States to a joint UNESCO/WIPO questionnaire for the information needed for the above study and an analysis of those replies. The Group examined the over-all problems referred to above in all their legal, economic and practical aspects and adopted a number of recommendations which were submitted to the above Committees at their October 1979 sessions.²¹⁸

(g) *Working Group on Works in the Public Domain*

Pursuant to paragraph 5020 of the work plan relating to resolution 5/9.2/1/I adopted by the General Conference of UNESCO at its twentieth session, UNESCO convened a Working Group on Works in the Public Domain to find ways to secure the right to respect or integrity for works in the public domain which met at UNESCO headquarters from 18 to 21 September 1979. It considered an analysis by the secretariat of replies to a survey, conducted in 1978 by the secretariat of UNESCO, on the problems presented by the questions of protecting works in the public domain and, having developed certain principles, expressed the hope that those principles might serve as the basis for future work with a view to assuring the protection of works in the public domain.²¹⁹

(h) *Multilateral Convention for the Avoidance of Double Taxation of Copyright Royalties*

In accordance with the recommendations of the Third Committee of Governmental Experts on the Double Taxation of Copyright Royalties Remitted from one Country to Another (Paris, 19-30 June 1978) and the decision adopted by the General Conference at its twentieth session, an International Conference of States on the Double Taxation of Copyright Royalties Remitted from one Country to Another, convened jointly by the Directors-General of UNESCO and WIPO, was held in Madrid from 26 November to 13 December 1979. The Conference adopted the Multilateral Convention for the Avoidance of Double Taxation of Copyright Royalties, together with a model bilateral agreement for the implementation of the Convention. It also elaborated an additional protocol to extend the provisions of the Multilateral Convention to "neighbouring rights" of copyright. As evident from the title, the Convention is designed to avoid double taxation of copyright royalties, i.e. the taxing of copyright royalties in both the country where a copyrighted work is used and in the one where the author of such work resides.²²⁰

The Convention shall be deposited with the Secretary-General of the United Nations and shall enter into force three months after the deposit of the tenth instrument of ratification, acceptance or accession.

(i) *International Copyright Information Centre*

In the context of its over-all activities in the field of facilitating access of developing countries to protected works and to serve as a link between publishers and copyright holders in various countries, both developed and developing, the International Copyright Information Centre brought out a number of publications during the year 1979, namely, (i) *Practical Aspects of the Use by*

²¹⁸ See report of the Working Group, UNESCO/WIPO/WG.1/CWA/4.

²¹⁹ See report of the Working Group, PRS/CPY/DPR/3.

²²⁰ See report of the General Rapporteur, UNESCO/WIPO/CONFDT/15.

Developing Countries of Educational and Scientific Works and Works of Cultural Promotion; (ii) Model Contract for the Publication of a Reproduction of an Edition of a Work; (iii) Model Contract for the Publication of the Translation of a Work; (iv) Model contract for the Licensing of Rights in a Work for the Purpose of Sound Recording; (v) Model Contract for the Licensing of Motion-Picture Rights; and (vi) Model Statute for a National Copyright Information Centre. It has also compiled the second list of national and regional bibliographies published in Member States as well as a list of children's books whose copyright might be transferred on special terms to publishers in developing countries. Besides the above, the Centre has been regularly bringing out its information bulletins.

4. HUMAN RIGHTS

(a) *Contribution of UNESCO to the Implementation of the International Covenants on Human Rights*

1. At the conclusion of the debate at its 107th session, the Executive Board requested the Committee on Conventions and Recommendations, in decision 107 EX/4.4.1, to study the legal, administrative and practical problems relating to UNESCO's contribution to the implementation of the two Covenants and of the Optional Protocol, which might arise particularly as a result of the fact that the Committee was also able to exercise the functions provided for in decision 104 EX/3.3. The Board also requested the Committee to submit appropriate proposals to it at its 109th session.

2. At its September 1979 session, the Committee on Conventions and Recommendations considered document 108 EX/CR/SS.1, prepared by the Secretariat in order to assist it in studying the issue on the basis of the most recent information and decided:

- (i) To request the Secretariat to prepare a draft report for submission to it at its next session;
- (ii) To designate, at its next session, a rapporteur who would be entrusted with preparing the final text of the report for submission by the Committee to the Executive Board at its 109th session pursuant to decision 107 EX/4.4.1.

3. Pursuant to that decision, which the Executive Board took note of on 17 October 1979, said draft report was submitted to the Committee on Conventions and Recommendations at its April 1980 session.²²¹

4. Furthermore, UNESCO has regularly invited member States to ratify the Covenants and to take the necessary steps for their application (see, for example, resolution 10.1, paragraph 1 (d), adopted by the General Conference of UNESCO at its twentieth session).

5. In addition, the Organization had contributed to the dissemination of information on the Covenants, particularly by encouraging education concerning human rights (see Approved Programme and Budget for 1979-1980, theme 3/1.5 and 2.3/04).

(b) *Consideration of Cases and Issues Involving the Exercise of Human Rights in Areas within UNESCO's Field of Competence*

6. The Committee on Conventions and Recommendations of the Executive Board met in private session at UNESCO headquarters from 13 to 27 April and from 10 to 18 September 1979, to consider the communications which had been transmitted to it pursuant to decisions 77 EX/8.3 and 104 EX/3.3 of the Executive Board.

7. At its April 1979 meeting, the Committee considered 13 communications transmitted pursuant to decision 77 EX/8.3; of these 9 were kept on the agenda, 1 was dismissed and 3 were disposed of. As to the 39 communications transmitted to the Committee for a decision on their admissibility, pursuant to decision 104 EX/3.3, 15 were found to be inadmissible, 6 were found to be admissible, consideration was suspended in the case of 15 and 3 were postponed to the next session of the Committee. Finally, the two communications which had already been found

²²¹ Document 109 EX/CR/HR/1.

admissible at the Committee's previous session were kept on the agenda for consideration at the September 1979 session. The report of the Committee concerning that session was submitted to the Executive Board at its 107th session.²²²

8. At its September 1979 meeting, before considering the items on its agenda, the Committee first considered the procedural matters which had arisen in relation to the implementation of decision 104 EX/3.3. In addition, the Committee took decisions concerning communications relating to disappearances, the co-existence of two procedures, the possibility of derogating from human rights in the event of exceptional public danger which threatened a nation's existence, the deadline for the transmission of supplementary information to Governments concerned and the persons to whom communications should be addressed.

9. On that occasion, the Committee considered 10 communications transmitted pursuant to decision 77 EX/8.3; of these 2 were dropped, 1 was found to be inadmissible and consideration of 2 was suspended. Finally, the Committee applied to 5 communications the special procedure concerning communications relating to disappearances, adopted on 10 September 1979.

10. Of the 43 communications transmitted to the Committee pursuant to decision 104 EX/3.3, 16 were kept on the agenda, 4 were postponed to the next session, 1 was dropped, 7 were found to be admissible, 14 were found to be inadmissible and 1 was settled. In that connexion, it must be pointed out that, in most cases, the reason that communications were found inadmissible was that they did not reveal a link between the alleged violation and UNESCO's field of competence and therefore did not meet the requirements of paragraph 14 (a) (iii) of decision 104 EX/3.3.

11. The Committee also considered the substance of 8 communications, 2 of which had been found admissible at the September 1978 session and 6 of which had been found admissible at the April 1979 session. It should be noted that the special procedure concerning communications relating to disappearances was applied to 5 of those communications.

12. The report of the Committee on Conventions and Recommendations on that session was submitted to the Executive Board at its 108th session.²²³

(c) *Activities to Combat Racial Discrimination*

13. In 1979, UNESCO's standard-setting activities aimed at combatting racial discrimination, concerned, for the most part, the Organization's efforts to implement its three principal instruments, namely:

The Convention against Discrimination in Education;

The Declaration on Race and Racial Prejudice;

The 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 Racism, *Apartheid* and Incitement to War.

14. So far as the Convention is concerned, the task was mainly one of continuing the efforts to implement the Convention; these efforts go back a number of years. Accordingly, a reminder was sent, on 21 February 1979, to the 80 member States of the Organization which had not yet submitted a report in reply to the third questionnaire sent to them in January 1975.

15. At its September 1979 meeting, the Committee on Conventions and Recommendations considered the reports which member States had submitted in response to that letter and the summary report prepared by the Secretariat on the action taken in implementation of resolution 1/1.1/2 which the General Conference adopted at its twentieth session. The report of the Committee, together with the comments from the Executive Board on the subject, will be submitted to the General Conference at its twenty-first session.

²²² Document 107 EX/PRIV.31.

²²³ Document 108 EX/PRIV.28.

16. With regard to the two recently adopted Declarations mentioned above, UNESCO's main concern was to start the implementation process moving. Accordingly, the Secretariat prepared a questionnaire, concerning the implementation of the Declaration on Race and Racial Prejudice, which will be submitted to States in order to collect the relevant information.

17. It should be recalled that the Declaration on Race and Racial Prejudice which the General Conference of UNESCO adopted by consensus and by acclamation on 27 November 1979, for the first time, provided the international community with a text which, although not legally binding, represented a moral and ethical commitment covering all aspects of the problem — biological, sociological, cultural, economic and political.

18. Three articles of the said Declaration deserve particular mention: article 1 which affirms for the first time, at the international level, that all individuals and groups have a right to be different; article 3 which reaffirms the right to development as a consequence of the requirements of a just international order and article 9, which, for the first time, recognizes the principle of international responsibility of States for any form of racial discrimination.

19. With regard to the 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 Racism, *Apartheid* and Incitement to War, UNESCO has undertaken a survey among the national committees to determine whether and to what extent the said Declaration has been translated into the national language or languages. In addition, consultations were organized at UNESCO headquarters, from 7 to 9 May 1979, on means of promoting the teaching of the principles laid down in the Declaration.²²⁴

4. INTERNATIONAL CIVIL AVIATION ORGANIZATION

1. CONSIDERATION OF A DRAFT CONVENTION ON INTERNATIONAL MULTIMODAL TRANSPORT

At its 22nd session held in Montreal, September-October 1977, the ICAO Assembly decided that the Legal Committee should be requested by the Council, if and when necessary, to study with due priority the implications for international air law conventions of the proposed Convention on International Multimodal Transport of Goods. The twenty-fourth session of the Legal Committee was held in Montreal from 7 to 18 May 1979 and the main agenda item was "Consideration of the draft Convention on International Multimodal Transport" which had been prepared within the framework of the United Nations Conference on Trade and Development (UNCTAD). The terms of reference of the Committee were to study the legal implications of this proposed Convention for international air law conventions and to make comments and recommendations to be presented to the United Nations Conference of Plenipotentiaries convened for considering the draft Convention at Geneva from 12 to 30 November 1979.

The Committee recorded in its report several observations on the possible conflict of existing air law conventions with the draft Convention elaborated in the framework of UNCTAD; some solutions were suggested in the Committee for possible incorporation into the draft Convention. The Committee agreed that the fundamental problems outlined in its report should be resolved by the United Nations Conference with a view to enabling a satisfactory inclusion of the air mode within the scope of the Convention on Multimodal Transport.

The relevant part of the report of the Legal Committee was distributed by UNCTAD as an integral part of the documentation for the United Nations Conference on a Convention on International Multimodal Transport (Geneva, November 1979). The ICAO observer introduced the Committee's report in the plenary of that Conference.

²²⁴ Document CC-79/WS/126.

2. WORK PROGRAMME OF THE LEGAL COMMITTEE: AGENDA ITEM 1, PART A — LEGAL STATUS OF THE AIRCRAFT COMMANDER

In establishing its general work programme at its twenty-fourth session held in Montreal from 7 to 18 May 1979, the Legal Committee decided that the item "Legal status of the Aircraft Commander" be given highest priority as item 1 of part A of the general work programme. The Council approved the general work programme of the Legal Committee at its ninety-seventh session in June 1979 and requested the secretariat to prepare a study of the subject matter for presentation to the Council at its ninety-eighth session in November 1979. The secretariat study was then sent to States and international organizations for comments and the Council, on 28 November 1979, decided to establish a Panel of Experts in the operational and legal fields to meet at Montreal from 9 to 22 April 1980. The task of the Panel would be to study the subject "Legal status of the Aircraft Commander".

The terms of reference of the Panel, as approved by the Council, are as follows: (a) to study the subject "Legal status of the Aircraft Commander" on the basis of the secretariat study and in the light of the comments by States and international organizations; (b) to prepare a list of operational and legal problems related to this subject which, in the opinion of the Panel, require a solution; (c) to suggest any specific solutions for further consideration by the appropriate bodies of ICAO.

3. UNLAWFUL INTERFERENCE WITH INTERNATIONAL CIVIL AVIATION AND ITS FACILITIES

The Committee on Unlawful Interference with International Civil Aviation and its Facilities held six meetings during the year 1979. The Committee examined proposals from States and international organizations for the amendment of specifications in annex 17 (Security — Safeguarding international aviation against acts of unlawful interference).

As recommended by the Committee, the Council, on 7 December 1979, requested the Secretary-General to obtain the views and comments of Contracting States and interested international organizations on the proposed amendments to annex 17.

5. UNIVERSAL POSTAL UNION

A. GENERAL QUESTIONS

1. *Expulsion of the Republic of South Africa from UPU (resolution C 6)*

Having taken into account the sanctions adopted previously against South Africa (Expulsion of the Republic of South Africa from the 17th Congress of UPU, and all other Congresses and meetings of the Universal Postal Union — resolution C 2 of the Lausanne Congress) and the persistence of that country in its policy of *apartheid*, the 1979 Rio de Janeiro Congress expelled the Republic of South Africa from the Union.

2. *Participation of the League of Arab States in meetings of UPU (resolution C 7)*

Congress decided to admit the League of Arab States to participate as an observer in the work of the 18th Congress and in all future meetings of UPU bodies, as had been done by the previous Congress for the Organization of African Unity.

3. *Repayment of advances made to UPU by the Government of the Swiss Confederation (resolution C 17)*

Congress adopted a new system of financing of the UPU. From 1981, Switzerland will no longer make cash advances as it has done for more than 100 years. UPU will apply the pre-payment

system in force in other specialized agencies. At the same time, Congress adopted a resolution on the question of repaying Switzerland the advances made before the entry into force of the new system. This repayment will be spread over 10 years, in other words, up to 1990.

4. *Study concerning the Monitoring Authority (resolution C 88)*

Having adopted a new system of financing of the Union and having taken note of the services which Switzerland would continue to provide under this new policy, Congress instructed the Executive Council to study, in consultation with the Swiss Government, the role of the Monitoring Authority after introduction of the new financing system and to submit proposals in that regard to the 1984 Congress.

5. *Organization, operation and methods of work of the Executive Council and division of responsibilities between the Executive Council and CCPS (resolution C 44)*

Acting on the basic assumption that UPU should ensure that its organs operate with maximum efficiency, Congress decided to entrust the Executive Council with a study of the organization, operation, methods of work and responsibilities of that body and its relations with the other organs of UPU.

At the same time, the Executive Council decided to undertake also a study for the same purposes, of the organization, operation and methods of work of Congress.

6. *Conditions of service of elected officials (resolution C 51)*

Congress decided to authorize the Executive Council to adopt a resolution establishing the remuneration and other conditions of service of elected officials, in the light of the principles adopted in the United Nations common system and taking into account the practice followed in the other specialized agencies.

7. *Arrears in contributions (resolution C 89)*

Congress requested the Executive Council to carry out a study on the problem of arrears, taking into account the practice of other specialized agencies.

8. *Possible amendment of the UN/UPU Agreements (resolution C 91)*

Taking account of the United Nations study on the strengthening of the Organization's role, Congress requested the Executive Council, as appropriate and useful to the Union's interests, to negotiate amendments to the UN/UPU Agreements or to negotiate the conclusion of an additional agreement.

9. *Renewal of the terms of office of the Director-General and Deputy Director-General of the International Bureau (decision C 98)*

Congress renewed the term of office of Mr. Mohamed Ibrahim Sobhi, Director-General of the International Bureau of the Universal Postal Union, and of Mr. Thomas Scott, Deputy Director-General.

10. *Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples by the specialized agencies (decision C 99)*

Congress approved the conclusions in the report of the Director-General of the International Bureau concerning the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples by the specialized agencies. It recommended that the practice hitherto followed should be continued with a view to solving the problem of decolonization within the limits of its competence.

11. *Introduction of the German, Chinese, Portuguese and Russian languages for the publication of documents (resolution C 106)*

Congress decided that the Union should meet part of the costs of reproduction of documents in the four languages, up to an annual amount of 50,000 Swiss francs for each language group.

*12. Memorandum on the role of the post as a factor of
economic, social and cultural development (decision C 107)*

Congress decided that the memorandum on the role of the post as a factor of economic, social and cultural development would be brought up to date on the basis of the text adopted for the initial publication and distributed to postal administrations.

B. INTERNATIONAL POSTAL QUESTIONS

13. Illegal issue of postage stamps (resolution C 5)

Congress decided, on the basis of the Acts of the Union, to declare illegal and invalid postage stamps issued, or to be issued, by the so-called "Turkish Cypriot Postal Administration" of the so-called "Turkish Federate State of Cyprus", and to request the International Bureau of the UPU to ask countries members of the Union to refuse to handle any communication bearing illegal stamps issued, or to be issued, by the so-called "Turkish Cypriot Postal Administration" of the so-called "Turkish Federate State of Cyprus".

*14. Safety of personnel required to handle packages thought to be dangerous (letter bombs)
(recommendation C 76)*

Congress recommended that postal administrations should institute all possible means of protection to ensure the safety of postal personnel required to handle packages thought to be dangerous (permanent liaison with the competent authorities of their countries, adaptation of their national legislation so as to authorize operations for detecting letter bombs, etc.). Congress also requested the International Bureau to inform all postal administrations of member countries without delay of discoveries of letter bombs, and to send them any appropriate information on the matter.

15. Future of postal services (resolution C 82)

Congress decided to request the Consultative Council for Postal Studies to consider, as its main task, and in a co-ordinated manner, the various aspects of future postal developments, and to draw the attention of postal administrations to the need for the postal service to follow closely the development of various forms of electronic mail as part of its regular duties.

16. Choice of postage stamp subjects (recommendation C 93)

Considering that the issue of postage stamps should take place in the spirit of the preamble of the Constitution of the Universal Postal Union, Congress recommends that postal administrations should, when issuing postage stamps, choose subjects capable of contributing to the mutual understanding of peoples, to dissemination of culture and, generally, to the strengthening of international links of friendship.

C. TECHNICAL ASSISTANCE

*17. Cooperation between the Universal Postal Union and the International Savings Bank Institute
(resolution C 19)*

With a view to closer co-operation between the Institute and the postal savings banks of some developing countries, Congress invited the Director-General of the International Bureau of UPU to make the necessary contacts and to study possible forms of co-operation between the Institute and UPU. The Bureau also proposed, where appropriate and with the approval of the Executive Council, specific action to effect such co-operation within the limits of the resources available under the heading of the Union's technical assistance.

18. Priorities and principles of action of UPU in technical assistance (resolution C 37)

Congress decided:

(1) To intensify, within the limits of the resources available, the technical assistance activities of UPU within the general context of the new international economic order;

(2) To give priority to the needs of the administrations of the countries regarded by the United Nations as disadvantaged, and to newly independent countries;

(3) To give priority to actions to:

Provide developing regions with means of postal training up to senior levels;

Improve the management of postal services, including use of personnel;

Increase the number of postal establishments and improve the handling and distribution of mail, including both that in rural areas and that covering international relations.

Congress also asked the Executive Council to draw up, on the basis of the priorities thus defined, the broad lines of a policy to strengthen UPU's technical co-operation activities, in the light of UNDP procedures and those of the bilateral aid programmes.

Lastly, Congress invited the Director-General of the International Bureau to continue his efforts to develop technical assistance activities within the framework of the principles drawn up by Congress and the guidelines laid down by the Executive Council, while integrating them as far as possible within the UNDP framework.

19. Financing of UPU technical assistance activities (resolution C 38)

Congress decided:

(1) To draw the particular attention of the UNDP to the improved opportunities for financing of UPU's activities at the national or multinational level to promote postal development;

(2) To appeal to countries for an appreciable increase in the supplementary resources needed for technical assistance;

(3) To increase by 50 per cent the allocations in the Union's annual budget for consultants' missions for technical co-operation.

It recommended:

(1) To all countries that more of them should contribute to the Special Fund, on the basis of more than one contribution a year, and in amounts in proportion both to their capacity to pay and the needs to be met;

(2) To the developed countries in particular:

(a) To make additional efforts to finance certain projects, indicated by UPU as having priority, on the basis of bilateral or multi-bilateral technical assistance;

(b) To make approaches to their Governments with a view to obtaining allocation of part of the sums allotted to technical co-operation to their administrations, so that they can provide direct assistance to the postal services of the developing countries;

(3) To the developing countries:

To undertake to meet, when they can, certain costs relating to consultants and fellowships (travel or subsistence costs);

To undertake a campaign addressed to the national authorities and to the public designed to emphasize the importance of the postal services, in order to facilitate postal development.

Congress also asked the Director-General of the International Bureau:

(1) To continue his approaches to national authorities and to UNDP authorities to facilitate fulfilment of the requests made by postal administrations;

(2) To continue his efforts to seek other means of financing;

(3) In order to increase effectiveness, and if necessary with the agreement of the Executive Council, to take steps allowing for more flexible use of UPU resources earmarked for technical assistance, including budgetary allocations for consultants' missions (and particularly the granting of fellowships).

20. Technical co-operation among developing countries (resolution C 66)

Congress, conscious of the role assigned by the United Nations in this field to the organizations of the United Nations system and of the assistance anticipated from the developed countries,

urgently drew the attention of the postal administrations of the member countries of the UPU and of the Restricted Unions to this new form of action, the implementation of which demands a genuine will for co-operation.

In addition, it invited:

The postal administrations of the developing countries and the restricted Unions to take all the necessary steps to strengthen TCDC according to the principles laid down by the United Nations;

The postal administrations of the developed countries to assist in every way in the implementation of activities under TCDC through direct financing and/or the payment of contributions to UPU, if necessary into the UPU Special Fund.

Congress also instructed:

The Executive Council to give the requisite attention to the promotion of TCDC, to assign an increasing share of the funds for technical assistance to activities of this nature, and to see that the development of these activities was carried out as effectively as possible; and

The Director-General of the International Bureau:

(1) To continue the action taken to make the postal administrations and the Restricted Unions aware of the importance of TCDC, and to take all appropriate steps to assist those countries and the Restricted Unions to develop activities of this kind;

(2) To continue to collaborate closely with UNDP on TCDC, in particular with regard to the financing of activities undertaken under that head and the evaluation of the progress made in the implementation of the plan of action drawn up by the Buenos Aires Conference.

21. *Establishment at the International Bureau of a permanent unit concerned with third world problems and relations with the Restricted Unions (decision C 79)*

Congress instructed the Consultative Council for Postal Studies to make a study of the establishment of a permanent unit within the International Bureau concerned with third world problems and relations with the Restricted Unions.

22. *Participation of the Restricted Unions in the technical assistance programme (resolution C 90)*

Congress, aware of the assistance which the Restricted Unions can give the Universal Postal Union in carrying out its work at the regional level, instructs the Executive Council:

(1) To study:

(a) The technical aspects (programming, implementation and evaluation) and the financial and legal aspects of the problem posed by wider participation of the Restricted Unions in the regional, interregional and multinational technical assistance programmes, in particular:

The conditions that the Restricted Unions must fulfil in order to participate in those programmes;

The conditions for delegating responsibility for certain programmes to the Restricted Unions; General co-ordination between the UPU, the Restricted Unions and UNDP, particularly from the viewpoint of the consistency of their objectives;

The financial aspects of the foregoing arrangements;

The division of the amounts reimbursed by UNDP as support costs;

(b) The relations between the UPU, the Restricted Unions and the regional economic commissions;

(c) The safeguarding of the interests of postal administrations which are not members of the Restricted Unions;

(2) To take, within the framework of its terms of reference, such practical steps as may ensue from the conclusions of the study in question;

(3) To report on all these matters to the 19th Congress, if necessary proposing any amendments to the Acts that may seem desirable.

6. WORLD HEALTH ORGANIZATION

I. CONSTITUTIONAL AND LEGAL DEVELOPMENTS

1. On 11 September 1979, the Seychelles joined the organization through the deposit of an instrument of acceptance following admission to the United Nations, as provided for in articles 4 and 79 of the WHO Constitution. The total membership of the organization has thus risen to 152 members and 2 associate members.

2. The amendments to articles 24 and 25 of the Constitution which had been adopted in 1976 by the Twenty-ninth World Health Assembly and which provide for an increase of the membership of the Executive Board from 30 to 31 were accepted by three member States in 1979, bringing the total number of instruments of acceptance so far deposited to 39; a further 63 acceptances are still required for the attainment of acceptance by two thirds of the members which is necessary for the entry into force of amendments under article 73 of the Constitution.

3. At the Sixty-fourth Session of the Executive Board, in May 1979, a member raised the question whether the membership of the Executive Board could not, by a further amendment to articles 24 and 25, be increased to 32, each member serving for four instead of three years.²²⁵ The Director-General has prepared a report examining this question²²⁶ which will be submitted for consideration to the Executive Board at its Sixty-fifth Session in January 1980.

4. No instrument of acceptance was deposited in 1979 for the amendment to article 7 of the Constitution adopted by the Eighteenth World Health Assembly on 20 May 1965, the number of acceptances so far received thus remaining at 52. As regards any possible application of article 7 as at present in force, the Thirty-second World Health Assembly adopted on 22 May 1979 an amendment to rule 72 of its rules of procedure; this amendment includes suspension of voting privileges and services of a member under article 7 among the important questions requiring a decision made by a two thirds majority of the members present and voting.²²⁷

5. The amendment to article 74, including an Arabic version of the Constitution among the authentic texts, which had been adopted in 1978, had received up to the end of 1979 seven acceptances.

6. At the Twenty-ninth Session of the Regional Committee for Europe (September 1979) the role of the Regional Committee in the selection of members entitled to designate a person to serve on the Executive Board was discussed. Representatives of European member States were not in favour of the proposal for a system of rotation according to geographical groups or alphabetical order, preferring to leave the possibility of selection open as has been the case up to now. However, the Regional Director was requested to make the necessary arrangements to allow member States to reach a consensus at a session of the Regional Committee before or during each World Health Assembly.²²⁸

7. The Regional Committee for the Western Pacific reviewed, at its Thirtieth Session (October 1979), the procedures for the nomination of candidates for the post of Regional Director and amended rule 51 of the rules of procedure.²²⁹

²²⁵ Document EB64/1979/REC.1, p. 107.

²²⁶ Document EB65/18/Add.2 of 19 September 1979.

²²⁷ See documents WHA32/1979/REC/3, Summary Records of 5th to 8th meetings of Committee B; A32/INF.DOC/5; WHA32/1979/REC/2, Verbatim Record of 12th Plenary Meeting. See also the legal opinion appearing in chap. VI.B of the present *Yearbook* at p. ...

²²⁸ Resolution EUR/RC 29/R9.

²²⁹ Resolution SEA/RC 32/R8.

8. Under the auspices of the United Nations Environment Programme (UNEP) in collaboration with WHO, an intergovernmental meeting of legal and technical experts from most of the Mediterranean Governments was held, in June 1979, at WHO headquarters in order to consider further the draft Protocol for the Protection of the Mediterranean Sea against Pollution from Land-Based Sources based on studies and first drafts prepared in 1976 and 1977 by WHO at the request of UNEP. The meeting reached agreement on all substantive issues of the draft,²³⁰ which aims at the control of pollution from factory waste, municipal sewage and agricultural pesticides and fertilizers. The final adoption and signature of the Protocol is scheduled to take place in 1980 in Athens.

9. Problems relating to patent rights and the protection of the public sector with regard to inventions resulting from co-operation of the organization with research institutions and industry have become more and more acute issues for several major programmes, in particular the Expanded Programme of Research, Development and Research Training in Human Reproduction and the Special Programme for Research and Training in Tropical Diseases. It has therefore been decided that a study outlining the issues involved (with a comparative survey of the practices of other international organizations and major national institutions) and the policy options open to the organization should be submitted to the Thirty-fourth World Health Assembly (1981).

II. HEALTH LEGISLATION

10. WHO is continuing to publish the *International Digest of Health Legislation*, a quarterly journal that appears in English and French editions. Every effort is made to ensure as comprehensive a coverage as possible of national and international legislation on all aspects of health. Many issues also contain comparative surveys or review articles dealing with selected aspects of health legislation. Thus, a survey on "Abortion Laws in Commonwealth Countries" by R.J. Cook and B. M. Dickens was published in volume 30, No. 3, of the *Digest* as well as in the form of an offprint (see also the same authors' article entitled "Development of Commonwealth Abortion Laws" (1979) 28 *International Comparative Law Quarterly* 424). In a new section entitled "News and views", the *Digest* will seek to cover significant meetings and conferences devoted to health and environmental law.

11. The International Conference on Primary Health Care (held in Alma-Ata, USSR, in September 1978) recognized that reforms in health legislation may well be needed in some countries if the primary health care approach towards "the attainment by all citizens of the world by the year 2000 of a level of health that will permit them to lead a socially and economically productive life" (see resolution WHA30.43 of the Thirtieth World Health Assembly and resolution 34/58 of the United Nations General Assembly) is to be effectively implemented. Indeed, there is increasing evidence (recognized by the WHO Executive Board) that obsolete health legislation may constitute an obstacle to the full realization of the new health doctrines that have been collectively endorsed by WHO member States. In other contexts, the absence of appropriate legislation has been shown to constitute a menace, not only to public health but also to the quality of life, whether in the home, the workplace, the public thoroughfare, or elsewhere.

12. The technical co-operation programmes in health legislation now being devised to implement resolution WHA30.44 (1977) will of course depend on rapid and effective access to all necessary information. WHO is endeavouring to mobilize the experience and information available in the industrialized countries in such a way as to benefit the developing countries that seek to co-operate with each other and with WHO in this sector of health policy.

13. WHO headquarters, as well as the Regional Offices for South-East Asia and the Western Pacific, gave substantial support to the Meeting on Technical Co-operation Among the ASEAN Countries on Drug Legislation, Evaluation and Quality Assurance, held in Jakarta from 26 to 29 November 1979. A Working Group on Legislation concerning Nursing/Midwifery Services and Education was convened in Hamburg from 11 to 14 December 1979 by the WHO Regional Office for Europe, at the invitation of the Government of the Federal Republic of Germany and in

²³⁰ See document UNEP/WG.17.6 of 9 July 1979.

collaboration with the authorities of the City of Hamburg. A number of important recommendations relating to national legislation were formulated by the Joint WHO/UNICEF Meeting on Infant and Young Child Feeding, held in Geneva from 9 to 12 October 1979. The organization was represented at a number of international meetings devoted to health legislation and related issues, including the 5th World Congress on Medical Law (held in Ghent on 19-23 August 1979) and the Combined Medical-Legal Workshop (held in Lilongwe, Malawi, from 8 to 12 October 1979 under the auspices of the Commonwealth secretariat).

7. WORLD BANK

INTERNATIONAL CENTRE FOR SETTLEMENT OF INVESTMENT DISPUTES

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

As of 1 June 1980, 83 States had signed the Convention,²³¹ Bangladesh and the Solomon Islands being the most recent signatories. Seventy-nine States had taken the final step toward becoming Contracting States by depositing instruments of ratification, Saudi Arabia being the most recent one.²³²

Disputes submitted to the Centre

On 30 November 1979, the Arbitral Tribunal rendered a unanimous award in the case of *AGIP SPA vs. Government of the People's Republic of Congo*.

The cases of *Société Ltd. Benvenuti and Bonfant SRL vs. Government of the People's Republic of Congo* and *Guadalupe Gas Products Corp. vs. the Federal Military Government of Nigeria* are still pending before the Centre.

8. INTERNATIONAL MONETARY FUND

The following is a summary of the principal legal activities and decisions of the International Monetary Fund in 1979.

MEMBERSHIP, QUOTAS AND PARTICIPATION IN THE SPECIAL DRAWING RIGHTS DEPARTMENT

During 1979, membership in the Fund increased from 138 to 140, and with the deposit by Kuwait of its instrument of participation, all members have become participants in the Special Drawing Rights Department. Effective 11 December 1978, the Board of Governors adopted a resolution approving proposals for increases in members' quotas under the Seventh General Review of Quotas. A general increase in the over-all size of quotas of 50 per cent was proposed for all members except China and Democratic Kampuchea and in addition, selective quota increases were proposed for 11 member countries. A member may consent to an increase in its quota on or any time before 1 November 1980. Members that are participants in the Special Drawing Rights Department

²³¹ The Convention on the Settlement of Investment Disputes between States and Nationals of Other States is reproduced in the *Juridical Yearbook*, 1966, p. 196.

²³² The list of Contracting States and Other Signatories of the Convention is reproduced in document ICSID/3.

must pay 25 per cent of the increase in their quota under this review in special drawing rights and the balance of the increase in their own currency.

USE OF FUND RESOURCES: CONDITIONALITY

On 2 March 1979, the Executive Board of the Fund completed a review, begun in June 1978, of the conditionality attached to the use of Fund resources in the credit tranches, with the adoption of a decision containing a new set of guidelines. The new guidelines include many of the conclusions that were set forth in the earlier guidelines that were adopted by the Executive Board in 1968, namely (1) stand-by arrangements were not international agreements and therefore contractual language would be avoided in the stand-by arrangements and letters of intent; (2) appropriate consultation clauses would be incorporated in all stand-by arrangements; (3) performance criteria would be limited to those that are necessary to evaluate the implementation of the programme with a view to ensuring the achievement of its objectives; and (4) the use of phasing of purchases under stand-by arrangements would be limited to those arrangements that go beyond the first credit tranche and to purchases beyond this tranche.

The 1979 guidelines, however, include a number of additional considerations. It was recognized that members often tend to hesitate to adopt corrective measures at an early stage in their balance of payments difficulties. In recent years, many countries approached the Fund for support only after their financial situation had already undergone an extreme degree of deterioration. In such cases, the financial programmes have had to be more stringent than they would have been if adjustment measures had been taken earlier. The new guidelines emphasize that the Fund, in its regular consultations under article IV of the Articles of Agreement, and on other occasions, will intensify its efforts to encourage countries to adopt necessary corrective measures that could be supported by the use of the Fund's general resources at an early stage of their balance of payments difficulties. The guidelines also recognize that for countries facing severe balance of payments problems, often of a structural nature, the period of adjustment should extend beyond one year. Therefore, in appropriate cases, stand-by arrangements may be concluded for a period of up to three years if the Fund considers a longer period necessary to enable the member to implement the programme. When helping members to devise adjustment programmes, the Fund will pay due regard to the domestic, social and political objectives, the economic priorities and the circumstances of the member. Performance criteria necessary to evaluate the implementation of the programme and the achievement of its objectives will normally be limited to (1) macroeconomic variables and (2) those criteria necessary to implement specific provisions of the Articles of Agreement or policies adopted under them. Performance criteria may relate to other variables only in exceptional cases when they are essential for the effectiveness of the member's programme, because of their macroeconomic impact.

The new guidelines provide for flexibility in those cases, including in particular programmes extending beyond one year, where a member is not able to establish in advance one or more performance criteria for the duration of the stand-by arrangement. In these instances, provision is made for a review in order to establish the performance criteria for the remaining period.

The guidelines stressed the need for the Managing Director of the Fund to ensure adequate co-ordination in the application of policies relating to the use of the Fund resources in order to maintain the non-discriminatory treatment of members. It was also recognized that the policies of the Fund in this area, as well as in others within its competence, would have to evolve in the light of changing circumstances in the world economy.

CONSULTATIONS WITH MEMBER COUNTRIES

Following a review of procedures for surveillance under article IV in late 1978,²³³ the Executive Board decided early in 1979 that there should be provision for reviews of developments involving the exchange rate policies of individual member countries between annual consultations. A

²³³ See *Juridical Yearbook*, 1978, p. 87.

supplemental surveillance procedure was established under which the Managing Director is to initiate an informal and confidential discussion with a member whenever he considers that a modification in the member's exchange arrangements or exchange rate policies or the behaviour of the exchange rate of its currency may be important or may have important effects on other members.

DEVELOPMENTS RELATING TO SPECIAL DRAWING RIGHTS

One of the objectives of the Second Amendment of the Articles of Agreement is to promote the SDR as the principal reserve asset in the international monetary system. A number of decisions were taken in 1979 to enhance the yield and characteristics of the SDR and to widen the use of SDRs.

Effective 1 January 1979, allocations of SDRs were resumed, pursuant to a resolution adopted by the Board of Governors on 11 December 1978 approving the proposal of the Managing Director, concurred in by the Executive Board, to increase the volume of SDRs. The proposal was made in accordance with the Managing Director's conclusions that, as required by article XVIII, section 1 (a) of the Articles of Agreement, the Fund should seek to meet the long-term global need, as and when it arises, to supplement existing reserve assets in such a manner as to promote the attainment of its purposes. In accordance with the resolution that SDR 4 billion should be allocated as of 1 January each year, 1979, 1980 and 1981, the total amount allocated as of 1 January 1979 was SDR 4,033 million, bringing the cumulative total of SDR allocations to SDR 13.3 billion, about 5 per cent of world official reserves excluding gold.

On 1 January 1979, the interest rate on the SDR was increased from 60 per cent to 80 per cent of the combined market interest rate that is calculated each calendar quarter on the basis of short-term money market rates in the five countries with the largest Fund quotas (France, Germany, Federal Republic of, Japan, United Kingdom and United States) and rounded to the nearest $\frac{1}{4}$ of 1 per cent. As a result of the decision and the general rise in money market rates, the interest rate on the SDR rose from 4 per cent in the fourth quarter of 1978 to 6 per cent in the first quarter and 6.5 per cent in the second quarter of 1979, making the yield on the SDR more competitive with yields on other international reserve assets.

Also effective 1 January 1979, the Executive Board decided to reduce from 30 per cent to 15 per cent the minimum level of average SDR holdings that participants must maintain in relation to their net cumulative allocations to meet the reconstitution obligations. This requirement must be met for successive five-year periods ending each calendar quarter. The change in the requirement helped to emphasize the reserve asset character of the SDR and enabled participants to maintain lower levels of SDR holdings from day to day, thus increasing their ability to use SDRs without having to reacquire them to meet the reconstitution requirement laid down in the Articles of Agreement.

During the year the Fund took decisions to permit the use of SDRs between participants in the settlement of financial obligations, in loans, and as security for the performance of financial obligations, by means either of a pledge of SDRs or an agreement for transfer and retransfer of SDRs. Under a decision authorizing the use of SDRs in swaps, a participant may transfer SDRs to another participant in exchange for an equivalent amount of currency or another monetary asset other than gold, with an agreement to reverse the exchange at a specified future date and at an exchange rate agreed by the two parties. The Fund also took a decision to authorize the use of SDRs in forward operations, allowing participants to buy and sell SDRs for delivery at a future date, against a currency or another monetary asset other than gold, at an exchange rate agreed between the participants.

There have also been important developments in the use of the SDR as a unit of account and as a currency peg. The SDR, the unit of account for the Fund's General Resources Account and the Trust Fund, has also been widely adopted outside the Fund as a unit of account (or as the basis for a unit of account) for private contracts and international treaties, and by other international and regional organizations, such as the African Development Bank, the Arab Monetary Fund, the Asian Clearing Union, the Economic Community of West African States, the Islamic Development Bank, and the Nordic Investment Bank. SDR-denominated currency deposits are now accepted by BIS and

several major commercial banks, and bonds denominated in SDRs have been issued in the international capital market.

Some Fund member countries have pegged their currency to the SDR by fixing the value of the member's currency in terms of the SDR and then setting the value in terms of other currencies by reference to the SDR value of the other currencies as calculated and published by the Fund.

EXTENDED FUND FACILITY

In 1974, the Fund established an extended facility to provide medium-term assistance to members to meet balance of payments deficits for longer periods and in amounts larger in relation to quotas than under existing tranche policies.

As of the end of the Fund's financial year, 30 April 1979, the total amount committed under the decision on the extended Fund facility approached SDR 2 billion and the Executive Directors decided to review the adequacy of the decision relating to the extended Fund facility. In June 1979 the Executive Board reviewed the decision and decided that no modification should be made to the decision for the time being, but that the functioning of the extended Fund facility should be reviewed again when the possibility of access to the supplementary financing facility came to an end.

In December 1979, the Fund decided to improve the extended facility by increasing the maximum period for making repurchases from 8 to 10 years.

COMPENSATORY FINANCING FACILITY

In 1963 the Fund established the compensatory financing facility to finance deficits arising out of export shortfalls, notably those of primary exporting member countries. In 1979, the Fund reviewed its policies to determine how it could more readily assist members, particularly primary exporters, encountering payments difficulties produced by temporary export shortfalls. It was decided that drawings outstanding under the decision may amount to 100 per cent of the member's quota, provided that requests for drawings which would increase the drawings outstanding under the decision beyond 50 per cent of the member's quota will be met only if the Fund is satisfied that the member has been co-operating with the Fund in an effort to find, where required, appropriate solutions for its balance of payments difficulties. The 1979 decision stipulates that in the calculation of shortfalls, a member's receipts from travel and workers' remittances will be included at the option of the member if, in the opinion of the Fund, adequate data are available.

Whenever the Fund's holdings of a member's currency resulting from a drawing under the decision are reduced by the member's repurchase or otherwise, the member's access to this facility, in accordance with its terms, will be restored *pro tanto*.

In order to implement the Fund's policies in connexion with compensatory financing of export shortfalls, the Fund will be prepared to waive the limit on the Fund's holdings of 200 per cent of quota, where appropriate.

SUPPLEMENTARY FINANCING FACILITY

In August 1977 the Executive Board decided that the Fund should 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 economies and their Fund quotas. This supplementary facility entered into force effective 23 February 1979. By that date, 13 members or institutions had undertaken to make resources available to the Fund to finance purchases by members under the facility. Members avail themselves of these supplementary resources in conjunction with the use of ordinary resources either under a stand-by arrangement (normally of more than one year and possibly up to three years) reaching into the upper credit tranches or under an extended arrangement (usually up to three years). These arrangements are granted on the usual policy conditions, including conditionality, phasing and performance criteria. Holdings resulting from a purchase of supplementary resources are subject to repurchase in equal semi-annual instalments that begin not later than three and one-half years, and are to be completed not later than

seven years, after the purchase. Supplementary financing was used for the first time in May 1979 to finance in part an arrangement under the Fund's extended facility.

GENERAL ARRANGEMENTS TO BORROW

The General Arrangements to Borrow (GAB) were originally concluded in 1962 between the Fund and 10 industrial member countries. Subsequently, Switzerland became associated with GAB under a 1964 agreement with the Fund, which had been extended until 23 October 1980.

In March 1979, the Executive Board decided to allow the transfer, under certain terms and conditions, of all or part of claims to repayment to certain GAB participants and the Swiss National Bank. Transfers may be made at any time to a participant in GAB if, at the time of the transfer, it is a member, or the institution of a member, that has a reserve tranche position in the Fund on which it receives remuneration and if the Fund's holdings of the member's currency do not include any balances subject to repurchase. The price for the claim transferred shall be as agreed between the transferor and the transferee. The terms of GAB continue to apply to each transferee that is a participant in GAB, and the claim of the transferee is the same in all respects under GAB as the claim of the transferor. Transfers may also be made at any time to the Swiss National Bank in which case, the provisions of GAB, with some exceptions, shall apply as if the Swiss National Bank were a participant. The transferor of a claim must inform the Fund of the claim that is being transferred, the name of the transferee, the amount of the claim being transferred, the agreed price for the transfer of the claim and the value date of the transfer.

On 24 August 1979, the Executive Board decided to renew the General Arrangements to Borrow, as amended, for a period of five years from 24 October 1980, subject to the modification that, before the date prescribed in GAB, the Fund, after consultation with a participant, may make repayment to the participant in part or in full. The Fund would have the option to make repayment in the participant's currency, or in special drawing rights in an amount that does not increase the participant's holdings of special drawing rights above the limit under article XIX, section 4, of the Articles of Agreement unless the participant agrees to accept special drawing rights above that limit in such repayment or with the agreement of the participant, in other currencies that are actually convertible.

GUIDELINES FOR EARLY REPURCHASE

On 28 June 1979, the Executive Board took a decision setting forth guidelines²³⁴ for members regarding early repurchase when the balance of payments and reserve position of members improve. The guidelines apply to the Fund's holdings of currency that result from the certain purchases under article V, section 3 of Articles of Agreement and are subject to repurchase under the provisions of the articles and the policies of the Fund.

SUBSTITUTION ACCOUNT

The Interim Committee of the Board of Governors on the International Monetary System met on two occasions in 1979 and expressed support for consideration by the Executive Board of a Substitution Account, to be administered by the Fund, that would accept deposits of United States dollars from members of the Fund and certain other official holders in exchange for an equivalent amount of SDR-denominated claims. The Committee concluded that such an Account, if properly designed, could contribute to an improvement of the international monetary system and could constitute a step toward making the SDR the principal reserve asset in the system. The Committee requested the Executive Board to continue to direct attention to designing a Substitution Account and to report to the next meeting of the Interim Committee to be held in April 1980.

²³⁴ For the specific provisions of the Guidelines, see the Fund's Annual Report 1979, pp. 138-139.

ADMINISTRATION

Many provisions of the By-Laws and Rules and Regulations of the Fund were amended in 1978 in connexion with the entry into force on 1 April 1978 of the Second Amendment of the articles of Agreement. The N-Rules, Staff Regulations, not included in that over-all revision, were amended on 22 June 1979. A new rule, N-15, was added and provided that appropriate procedures shall be established for the consideration of complaints and grievances of individual persons on the staff of the Fund on matters involving the consistency of actions taken in their individual cases with the regulations governing personnel and their conditions of service.

Toward the implementation of rule N-15, the Managing Director of the Fund appointed an ombudsman, effective 24 July 1979, to have an advisory role in resolving individual grievances that are brought to his attention by individual staff members. Further implementation of rule N-15 was begun in 1979 with preparations for the establishment of a Grievance Committee, consisting of three members, to hear complaints and grievances brought by staff members and to make recommendations to the Managing Director for the settlement of disputes. It is expected that the Grievance Committee will be established in 1980.

9. WORLD METEOROLOGICAL ORGANIZATION

1. AMENDMENT TO THE WMO CONVENTION

At its eighth session held at Geneva from 30 April to 25 May 1979, the WMO Congress adopted an amendment to Article 13 (c) of the WMO Convention raising the number of Directors of Meteorological or Hydrometeorological Services elected to the Executive Committee at each Congress from 14 to 19, thereby increasing the total membership of the Committee from 24 to 29.

2. AMENDMENTS TO THE WMO GENERAL REGULATIONS

The Eighth Congress noted with appreciation the study made by the Executive Committee for possible improvements in the voting and election procedures as requested by resolutions 31(Cg-VI) and 52(Cg-VII). In the light of the result of this study, the Congress decided to retain the present method of electing members of the Executive Committee. It also decided that during elections votes shall be counted in the presence of the constituent body immediately following the vote. The Congress therefore decided to amend General Regulation 60 accordingly.

Congress also decided to amend General Regulations 80, 85 and 92 related to voting and elections.

Congress adopted these amendments by its resolution 51(Cg-VIII).

In addition to amendments in the General Regulations related to voting and elections during sessions, the Congress also examined proposals by the Executive Committee for new and amended General Regulations. In this connexion, the Congress adopted resolution 52(Cg-VIII), the annex to which gives the text of these additional new and amended regulations.

The Congress considered proposals submitted by the People's Republic of China for amendments to the General Regulations to provide for the introduction of the second step in using the Chinese language as an official and working language of the Organization, in conformity with resolution 50(Cg-VII). The Congress approved the proposed second step, comprising the provision of interpreters for the use of the Chinese language in the technical commissions, if so requested, and also publication of the Convention and the General Regulations of the Organization in Chinese. In this connexion, the Congress noted with appreciation the offers made by the delegate of China to provide the Chinese texts of the Convention and the General Regulations. To this end the Congress decided to amend Regulations 115 and 117 of the General Regulations as given in the annex to

resolution 50(Cg-VIII). The Congress further decided to keep in force resolution 50(Cg-VII) except the paragraph "Approves".

The Congress considered the terms of reference of the technical commissions which had been adopted by the Seventh Congress and proposals for amended title and terms of reference of the Commission for Special Applications of Meteorology and Climatology (CoSAMC) were warranted, as well as a minor addition to the terms of reference of the Commission for Hydrology (CHy) arising from Article 2 (e) of the Convention. The Congress therefore adopted resolution 53(Cg-VIII), which established the system and terms of reference of the technical commissions for the eighth financial period, and which replaces resolution 51(Cg-VII).

The Congress considered proposals for the amendment of the General Regulations to provide for the adoption of the Arabic language as one of the official and working languages of the Organization. Noting that implementation of the use of the Arabic language by the Organization would be introduced only on a limited scale during the next financial period, the Congress approved these proposals and adopted resolution 54(Cg-VIII) in this connexion.

3. TECHNICAL REGULATIONS OF WMO

The Eighth Congress also adopted a resolution (4 Cg-VIII) on amendments to the layout and contents of volumes I and III of the Technical Regulations of WMO in which it decided that the amended version of volumes I and III of the Technical Regulations come into force on 1 July 1980.

4. AGREEMENT BETWEEN WMO AND THE INTERNATIONAL COUNCIL OF SCIENTIFIC UNIONS ON THE WORLD CLIMATE RESEARCH PROGRAMME

The Eighth Congress also approved the text of a new WMO/ICSU Agreement on the World Climate Research Programme which would enter into force on 1 January 1980. The signing of the WMO/ICSU Agreement (on 23 October 1979 on behalf of WMO and on 16 November 1979 on behalf of ICSU) formally superseded the Agreement on the Global Atmospheric Research Programme (GARP) signed between the aforesaid parties on 10 October 1967.

5. MEMBERSHIP OF THE ORGANIZATION

Lesotho became a Member State of the Organization under article 3 (b) of the Convention of 2 September 1979, this date being the thirtieth day after the deposit of the instrument of accession to the Convention.

The total membership of the Organization at the end of 1979 comprised 144 States and 6 Territories.

10. INTER-GOVERNMENTAL MARITIME CONSULTATIVE ORGANIZATION

(a) INTERNATIONAL CONFERENCES CONVENED BY IMCO IN 1979

International Conference on Maritime Search and Rescue, 1979

The Conference was held in Hamburg from 9 to 27 April 1980 and adopted the International Convention on Maritime Search and Rescue, 1979. It adopted also a number of resolutions.

(b) DECISIONS AND OTHER LEGAL ACTIVITIES

During 1979, the Legal Committee considered *inter alia*:

(1) Draft articles for a convention on liability and compensation in connexion with the carriage of noxious and hazardous substances by sea. It is expected that a draft convention will be considered by a diplomatic conference to be convened by IMCO in 1982.

(2) Legal questions arising from the *Amoco Cadiz* disaster, with particular reference to the question of salvage and the right of the coastal State to require information from ships in cases posing the hazard of serious pollution casualties.

(3) Liability and compensation for oil pollution damage, with particular reference to:

(a) A possible extension of the provisions of the 1969 Convention on Civil Liability for Oil Pollution Damage to oils not covered by that Convention and

(b) Review of the limits of liability and compensation payable under the 1969 International Convention on Civil Liability for Oil Pollution Damage and the 1971 International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage.

11. INTERNATIONAL ATOMIC ENERGY AGENCY

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

The Agency's membership at the end of 1979 stood at 110; no further Instruments of Acceptance were deposited during 1979.

2. LEGAL ACTIVITIES

(a) *International Nuclear Fuel Cycle Evaluation (INFCE)*

In 1979 IAEA continued to participate in the Technical Co-ordination Committee and in all Working Groups and sub-groups established within INFCE and provided secretariat services for the study prior to the Final INFCE Plenary Conference to be held in February 1980. Special attention was given to "institutional arrangements", including undertakings by Governments and private entities to facilitate the efficient and secure functioning of the nuclear fuel cycle.

It was widely agreed that conditions for the establishment of institutional arrangements should include membership on a non-discriminatory basis, the application of IAEA safeguards, adequate levels of physical protection for nuclear materials and facilities, means of dispute settlement, and a clear definition of the rights and obligations of the parties.

(b) *International Spent Fuel Management*

In 1978 the Director-General of IAEA circulated to all Member States a Secretariat Study on the International Management and Storage of Plutonium and Spent Fuel. An Expert Group of International Spent Fuel Management was convened in 1979 to follow up on the spent fuel portion of the Secretariat Study. Its purpose was to examine the potential for international co-operation in spent fuel management and to assist IAEA in defining what role it might play in solving problems created by accumulation of spent fuel. Two meetings of the Expert Group were held in Vienna, attended by representatives from 22 Member States and by observers from two international organizations. Progress was made in discussing the fundamental issues surrounding international spent fuel management and in organizing the direction of study on this topic, which will continue in 1980.

(c) *International Plutonium Storage*

Meetings of the Expert Group on International Plutonium Storage, which is preparing proposals for an international plutonium storage system in implementation of Article XII.A.5 of the IAEA Statute, were held in May and November 1979. The Group made good progress and agreed to continue its work in 1980 by considering drafts of the legal instruments needed to establish a scheme.

(d) *Training courses and advisory services on regulatory matters*

At the invitation of the Government of Turkey and in co-operation with the Turkish Atomic Energy Commission, an Interregional Seminar in Nuclear Law and Safety Regulations was held by IAEA in Istanbul from 10 to 14 September. The Seminar was attended by 34 participants from 12 countries and two international organizations, the International Labour Organisation and IAEA. The programme of lectures and discussions covered various legislative and regulatory aspects of nuclear safety control, reactor licensing, quality assurance, emergency response planning, third party liability and insurance, and nuclear export control.

Advisory services in nuclear law were provided to Indonesia, Malaysia and Yugoslavia in follow-up to earlier assistance received by these countries from IAEA in the elaboration of legislation dealing with nuclear installations and third-party liability for nuclear damage.

An analytical study of regulations governing the transport of radioactive materials at the national and international levels was carried out jointly by IAEA and OECD/NEA. This will be the subject of a joint publication by both organizations.

Concurrently with the adoption of the Draft General Standard for Irradiated Foods and the Draft Code of Practice for the Operation of Radiation Facilities Used for the Treatment of Foods by the Codex Alimentarius Commission for recommendation to the latter's Member States, IAEA published in 1979 in its Legal Series No. 11 *Model Regulations for the Control of and Trade in Irradiated Food*. This had been prepared upon the recommendation of an Advisory Group on International Acceptance of Irradiated Food that was convened jointly by FAO, IAEA and WHO with the participation of the Nuclear Energy Agency of the Organization for Economic Co-operation and Development in 1977.

12. INTERNATIONAL FUND FOR AGRICULTURAL DEVELOPMENT

The International Fund for Agricultural Development (IFAD) is a specialized agency of the United Nations whose basic purpose is to help developing Member countries to expand their food production, improve nutrition and combat rural poverty. It came into existence on 30 November 1977 with the entry into force of the Agreement Establishing the International Fund for Agricultural Development, which had been adopted on 13 June 1976 by the United Nations Conference on the Establishment of an International Fund for Agricultural Development held in Rome, attended by the plenipotentiaries of 85 States. A total of 127 States were Members of IFAD at the end of 1979, classified into three categories: Category I (industrialized countries), Category II (OPEC members) and Category III (developing countries). Each category has 600 votes in the two governing bodies of IFAD, namely, the Governing Council and the Executive Board. The organization is entrusted with the mobilization of additional resources for financing projects and programmes in its developing Member States designed to expand and improve food production systems and to strengthen related policies and institutions within the framework of national priorities and strategies. In addition, it aims at improving nutritional standards and conditions of life of the poorest section of the population in such countries.

Below is a summary of legal aspects of the structure and activities of the Fund.

GOVERNING BODIES

1. The Governing Council is the principal decision-making organ of IFAD in which each Member State is represented by a Governor. All the powers of IFAD are vested in this body. Being the principal decision-making forum of the organization, it is mandatory for the Council to hold an annual session.²³⁵ The First Annual Session of the Governing Council, which also marked the

²³⁵ Article 6.2 (d).

inauguration of the operations of IFAD, was held in Rome, Italy, from 13 to 16 December 1977. Since then, the annual session has been the routine constitutional activity of the organization. Important decisions of the First Annual Session include: (a) adoption of the rules of procedure of the Governing Council and of the Executive Board of IFAD; (b) election of members and alternate members of the Executive Board; (c) adoption of the By-laws for the Conduct of the Business of IFAD and of the Financial Regulations of IFAD; (d) approval of the Relationship Agreement between the United Nations and IFAD which conferred the status of a specialized agency upon the organization; (e) approval of the Agreement with the Italian Republic for the Provisional Headquarters of IFAD; (f) election of Mr. Abdelmuhsin Al-Sudeary as the first President of the Organization; and (g) approval of the annex to the Convention on the Privileges and Immunities of the Specialized Agencies.

2. Article 6.5 (c) of the Agreement Establishing IFAD makes the Executive Board, consisting of 18 States as the members and 17 States as the alternate members, responsible for the conduct of the general operations of IFAD. It is required to meet as often as the business of IFAD may require. Since the establishment of IFAD, the Board has regularly met once every quarter for a three- to four-day session to consider and approve proposed project financing by IFAD and decide other business of the organization. Until the end of 1979, the Executive Board had held eight regular sessions.

LENDING POLICIES AND CRITERIA

3. In allocating its resources in the form of loans and grants to finance projects and programmes undertaken by its developing Member States and intergovernmental organizations in which such States participate,²³⁶ IFAD is guided by the following priorities:

- “ (i) The need to increase food production and to improve the nutritional level of the poorest populations in the poorest food deficit countries;
- “(ii) The potential for increasing food production in other developing countries. Likewise, emphasis shall be placed on improving the nutritional level of the poorest populations in these countries and the conditions of their lives.”²³⁷

Within the framework of these priorities, “eligibility for assistance is on the basis of objective economic and social criteria with special emphasis on the needs of the low income countries and their potential for increasing food production, as well as due regard to a fair geographic distribution in the use of such resources”.²³⁷

4. According to Article 7.1 (e) of the Agreement Establishing IFAD, financing by IFAD is to be governed by broad policies, criteria and regulations laid down by a two-thirds majority of the total 1,800 votes of the Governing Council. During its Second Annual Session, the Governing Council unanimously adopted a document on “Lending Policies and Criteria” which establishes the following three levels of lending from the resources of IFAD.²³⁸

- (i) Special loans on highly concessional terms, carrying a service charge of 1 per cent annually and a maturity period of 50 years including a grace period of 10 years;
- (ii) Loans on intermediate terms, with an interest rate of 4 per cent annually and a maturity period of 20 years including a grace period of five years; and
- (iii) Loans on ordinary terms with an interest rate of 8 per cent and a maturity period of 15 to 18 years including a grace period of three years.

5. The lending policies and criteria were adopted by the Governing Council with the following interpretations:²³⁹

- “(a) That country allocations would take account of the distribution of population between countries, and particularly of the distribution of the rural poor;

²³⁶ Article 7.1 (b).

²³⁷ Article 7.1 (d).

²³⁸ Document IFAD/8/Rev.1, para. 31.

²³⁹ Governing Council, Second Session Report, pp. 4-5.

“(b) That special loans on highly concessional terms visualized in paragraph 31 (i) will be provided preferably but not exclusively to countries whose *per capita* income is approximately \$300 or less (in 1976 dollars);

“(c) That these special loans will not exceed approximately two thirds of the total amount of loans which the Fund may extend.”

The Council also directed the Executive Board to interpret and implement these policies and criteria with the necessary flexibility provided for in these policies and to review them at a future date in the light of actual experience.

6. In allocating its resources, IFAD does not seek to develop a pattern of country allocations.²⁴⁰ The largest portion of its resources is to be made available to the poorest developing countries categorized by IFAD as “food priority countries.”²⁴¹ In selecting projects for financing, IFAD is also required to take due account of its country criteria and economic viability of projects and to give special attention to the types of activities that can increase the yield of food for consumption within the producing country; the aim is to deliver a major portion of benefits to small farmers and landless peasants.²⁴²

USE OF SDR

7. In the initial year of its operations, IFAD loans were denominated and repayable in United States dollars. However, fluctuations in the exchange rates between United States dollars and the freely convertible currencies prompted that, to protect the values of loans, they should be insulated from exchange rate fluctuations. Consequently, at its Fourth Session, the Executive Board decided that as of 1 January 1979 all IFAD loans were to be denominated in terms of equivalent of special drawing rights (SDR) of the International Monetary Fund (IMF); similarly, maturities of loans were also to be in terms of equivalent of SDR repayable in a fully convertible currency to be selected by the borrower at the time of loan negotiations from among the five currencies with largest representative weighting in SDR. All charges and interest on loans are also payable in the same currency. In respect of foreign currency expenditures, borrowers withdraw, as a general rule, from IFAD in the currencies in which cost of goods and services has been paid or is payable. The Loan Account is charged with SDR equivalent of the amount withdrawn on the basis of the SDR rates determined by IMF on the date of withdrawal.²⁴³

LOCAL CURRENCY FINANCING

8. In financing projects IFAD aims at improving the conditions of life of small poor farmers in the recipient countries. In order to promote this goal, its “Lending Policies and Criteria” allow for providing financing which may have a relatively large local cost component.²⁴⁴ During its Seventh Session, the Executive Board of IFAD discussed the issue of whether or not a ceiling should be set on the amount of financing IFAD could provide in any given project to cover local costs. It was decided that fixing a ceiling for the proportion of local costs which could be financed by IFAD would not be desirable. It was further decided that, depending on the nature of the justification for proposing a given level of such financing, the matter should be decided on a case-by-case basis, but IFAD would in no case provide financing to cover the entire local costs of a project.²⁴⁵

TECHNICAL ASSISTANCE

9. Project preparation, in most cases, is an important step leading to project financing by an international financial institution. Many developing countries do not have the necessary expertise

²⁴⁰ Lending Policies and Criteria, para. 21.

²⁴¹ *Ibid.*, para. 22.

²⁴² *Ibid.*, para. 26.

²⁴³ IFAD, General Conditions Applicable to Loan and Guarantee Agreements, Article IV.

²⁴⁴ Lending Policies and Criteria, paras. 36-37.

²⁴⁵ Executive Board Minutes of the Second Session, para. 20.

and resources to undertake such an activity. In this regard, they need external help in the form of technical assistance. Recognizing this need, the Executive Board of IFAD, during its Third Session, provisionally delegated authority to the President of IFAD to extend funds on preparatory activities directly related to the IFAD lending operations. The Board further decided that technical assistance proposals referred to in the decision which are in excess of \$US 400,000 and all other technical assistance proposals should be submitted to it for approval.²⁴⁶

10. The Seventh Session of the Executive Board finally confirmed the authority delegated to the President to approve technical assistance for project preparation up to \$US 400,000 without seeking prior approval of the Executive Board. The decision requires the President to submit a description of each such technical assistance for the information of the Executive Board at the meeting immediately following approval of the technical assistance request from the recipient. The Board established the following policy regarding the terms under which technical assistance for project preparation would be provided by IFAD:²⁴⁷

(a) Borrowers normally entitled to highly concessional terms shall have funds for project preparation provided to them as grants;

(b) Borrowers which would normally receive loans on intermediate terms shall have funds for project preparation advanced to them on a grant basis with any amounts so advanced to be recovered through the loan if the project materializes and the loan is eventually approved;

(c) Borrowers which would normally receive loans on ordinary terms shall have funds for project preparation advanced to them in the form of loans. Each such proposal for technical assistance shall be presented to the Executive Board for consideration and approval.

COMMITMENT AND REPLENISHMENT OF RESOURCES

11. By the end of 1979, the Executive Board had approved loans equivalent to \$US 502,219,395 from the resources of IFAD for 33 projects, with additional \$US 2,002,000 committed on grant basis as components in loan projects. An amount equivalent to \$US 1,369,000 was committed in technical assistance for project preparation in various developing Member States of IFAD as grants. To assist its developing Member States to deal with some of the problems of their agricultural production, the Executive Board approved the provision of technical assistance equivalent to \$US 2,962,000 for research and similar activities to be carried out by various regional international research centres.²⁴⁸ At the present rate of project approvals and the provision of technical assistance, more than three fourths of the IFAD total resources of \$US 1,060,807,991²⁴⁹ consisting of initial contributions of its Members is expected to be committed by the end of 1980.

12. In order to achieve continuity in its operations, the Agreement Establishing IFAD makes it obligatory for the Governing Council to review periodically the adequacy of the resources of IFAD. The first such review is required to be held no later than three years after the commencement of its operations by IFAD.²⁵⁰ The Third Annual Session of the Governing Council, through unanimous adoption of resolution 14/111, decided that it was necessary and desirable to replenish the resources of IFAD, and invited the Members to make additional contributions to those resources for the three-year period 1981 to 1983. The resolution emphasized that "IFAD's resources for the period 1981-83 are replenished at a level sufficient to provide for an increase in real terms in the level of its operations".

²⁴⁶ Executive Board Minutes of the Third Session, paras. 21-22.

²⁴⁷ Executive Board Minutes of the Seventh Session, para. 18.

²⁴⁸ IFAD, Annual Report 1979, pp. 80-81

²⁴⁹ *Ibid.*, p. 79.

²⁵⁰ Article 4.3.