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UNITED NATIONS JURIDICAL YEARBOOK

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

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



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Chapter III

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

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

1. DISARMAMENT AND RELATED MATTERS¹

(a) Comprehensive approaches to disarmament

(i) *General and complete disarmament*

While general and complete disarmament under effective international control continued to remain the ultimate disarmament goal of the United Nations, the tendency to focus more and more heavily on efforts to halt the arms race and achieve specific measures of arms control became more pronounced in 1980 than ever before. There was a continuing effort by Member States to keep alive comprehensive approaches such as the Programme of Action² agreed upon by the General Assembly at its tenth special session in 1978 and to develop on that basis a comprehensive programme of disarmament. Attempts were also being made to put forth other imaginative ideas which could lead to concrete achievements.

Second substantive session of the Disarmament Commission

The major area of emphasis during the session, held from 12 May to 6 June,³ was a new item on the agenda calling for the preparation of the elements of a draft resolution entitled "Declaration of the 1980s as the Second Disarmament Decade".⁴

During the general exchange of views⁵ the question of general and complete disarmament was referred to by many representatives. Emphasis on general and complete disarmament as the essential goal was reduced, however, while expressions calling for halting and reversing the arms race and advancing systematically with a programme of concrete disarmament measures were increased.

In its recommendations on the elements of the draft resolution, contained in its report to the General Assembly,⁶ the Commission reaffirmed that the goals of the Second Disarmament Decade should be conceived in the context of the ultimate objective of general and complete disarmament under effective international control.⁷ Consistent with that over-all objective, the goals of the Disarmament Decade should be (a) halting and reversing the arms race, particularly the nuclear arms race; (b) the conclusion and implementation of effective agreements on disarmament, particularly nuclear disarmament, which would contribute significantly to the achievement of that objective.

In its recommendations to the Assembly on the item on various aspects of the arms race, the Commission noted *inter alia*, that "together with negotiations on nuclear disarmament measures, the limitation and gradual reduction of armed forces and conventional weapons should be resolutely pursued within the framework of progress towards general and complete disarmament".⁸

Consideration by the Committee on Disarmament

In the 1980 session of the Committee, which was held in two sittings, from 5 February to 29 April, and 12 June to 9 August, for the first time all five nuclear weapon States participated.⁹ The work of the Committee was significantly influenced by international events. Although general and complete disarmament as the ultimate goal was reaffirmed, many representatives expressed the concern of their Governments that the continuing arms race had become so ominous that the major concern of the international community should be with its cessation and with the commencement

of a process of real disarmament rather than with the end-point of that process. The urgency of making a concrete start in the process of disarmament was also expressed in the report of the *Ad Hoc* Working Group on the comprehensive programme to the Committee,¹⁰ which suggested, *inter alia*, that the programme's immediate objective should be to eliminate the danger of war, particularly nuclear war, and to make progress in disarmament through the consolidation of the momentum generated by the first special session of the General Assembly devoted to disarmament.

Consideration by the General Assembly

In 1980 general and complete disarmament continued to be recognized as the ideal goal both in plenary meetings and in the First Committee,¹¹ and the agenda item entitled "General and Complete Disarmament" continued to provide a vehicle for the discussion of a variety of new as well as established initiatives. Under that item, 11 draft resolutions were submitted to and introduced in the First Committee.¹² In the course of the deliberations, a number of them were revised and on the recommendation of the Committee, all were adopted by the General Assembly, as resolutions 35/156 A to K. Resolution G, on radiological weapons, is dealt with under the respective heading of the present summary. Some of the other resolutions are summarized below.

Although resolution A, on conventional disarmament, by which the Assembly approved in principle the carrying out of a comprehensive United Nations study on all aspects of the conventional arms race and on disarmament relating to conventional weapons and armed forces, was essentially a procedural one, it nevertheless represented a concrete first step towards the consideration of specific measures of conventional disarmament. The resolution, furthermore, affirmed the international community's recognition of the difficulties posed by an unstrained arms race in the conventional field and the need to arrest that aspect of the arms race without detracting from the priority consideration of nuclear disarmament.¹³

By resolution C, on non-stationing of nuclear weapons, the Assembly considered that the non-stationing of nuclear weapons on the territories of States where there were 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, and, *inter alia*, requested the Committee on Disarmament to proceed without delay to talks with a view to elaborating an international agreement on the non-stationing of nuclear weapons on the territories of States where there are no such weapons at present.¹⁴

By resolution D, on all the aspects of regional disarmament, the Assembly commended the study prepared by the Group of Governmental Experts on Regional Disarmament to the attention of all States and expressed the hope that the study would encourage Governments to take initiatives and to consult within the different regions with a view to agreeing upon appropriate measures of regional disarmament.¹⁵

By resolution F, on nuclear weapons, the Assembly expressed its conviction that the wide dissemination of the report of the Group of Experts on a Comprehensive Study on Nuclear Weapons would contribute to a better understanding of the threat presented by nuclear weapons as well as of the need for progress in the various negotiations aiming at the prevention of both horizontal and vertical proliferation of nuclear weapons and the achievement of nuclear disarmament.¹⁶

By resolution H, on prohibition of the production of fissionable material for weapon purposes, the Assembly considered that the cessation of production of fissionable material for weapon purposes and the progressive conversion and transfer of stock to peaceful uses would be a significant step towards halting and reversing the nuclear arms race; it also considered that the prohibition of the production of fissionable material for nuclear weapons and other explosive devices would be an important measure in facilitating the prevention of the proliferation of nuclear weapons and explosive devices.¹⁷

By resolution J, on disarmament and international security, the Assembly considered that the lack of effective international security was a generating factor in the escalating arms race. It also considered that the objective of halting the arms race, particularly the nuclear arms race and proceeding to effective disarmament measures compatible with national security, could be effectively served through applying the collective security system provided for in the Charter, parallel to disarmament efforts. It therefore called upon all States to proceed in a positive spirit towards

measures under the Charter for a system of international security and order concurrently with efforts at effective disarmament measures.¹⁸

Finally, by resolution K, on strategic arms limitation talks, the Assembly, deploring that the Treaty between the United States of America and the Union of Soviet Socialist Republics on the Limitation of Strategic Offensive Arms (SALT II) had not yet been ratified, urged the two signatory States not to delay any further the implementation of the procedure provided for in article XIX of the Treaty for its entry into force, taking particularly into account that not only their national interests but also the vital interests of all the peoples were at stake in that question.¹⁹

(ii) *Follow-up of the tenth special session of the General Assembly and preparations for the second special session devoted to disarmament*

1980 was the second year of operation of the disarmament machinery as revitalized in accordance with the provisions of the Final Document of the tenth special session,²⁰ but at the same time the first year of its mature operation, with the agenda of the main bodies comprised primarily of substantive disarmament questions put forward in accordance with the new procedures envisaged in the Document. Smooth progress towards implementation of the recommendations and decisions of the General Assembly stemming from its tenth special session and, by the way of follow-up, its thirty-third and thirty-fourth sessions, was affected, however, by the tense international situation which developed late in 1979 and prevailed throughout the following year.

Despite clear differences in the positions of Member States and sometimes sharp debate, the Disarmament Commission was able to agree by consensus on recommendations to the General Assembly relating to the three major items of its agenda, including the far-reaching item on the preparation of the elements of a draft resolution entitled "Declaration of the 1980s as the Second Disarmament Decade".²¹ In all its recommendations, the Commission recognized disarmament as both an urgent requirement and a complex process, and kept in view the need for continuous follow-up action to urge and help ensure the implementation of disarmament measures on the basis of agreements reached not only at the tenth special session but also at subsequent convocations.

The Committee on Disarmament in 1980 agreed by consensus to form *ad hoc* working groups²² to facilitate negotiations on four items of its agenda—security assurances to non-nuclear-weapon States, chemical weapons, radiological weapons and the comprehensive programme of disarmament. There was general agreement that the use of such working groups facilitated the negotiating process and there were indications that groups to deal with at least the same issues would be formed in 1981.

In the General Assembly, the debate on the question of follow-up was marked on the one hand by satisfaction that the administrative and procedural decisions of the tenth special session had largely been implemented and on the other by concern that the arms race continued seemingly unabated and few concrete measures of disarmament had been achieved. Again, a large number of resolutions under the item concerning the question of follow-up of the special session on disarmament was adopted.²³ Furthermore, the debate took place in an atmosphere of awareness that 1980 was already the mid-point between the first and second sessions of the General Assembly devoted to disarmament, and therefore that it was crucial to the disarmament effort to maintain the momentum generated at the first session and, in the preparations for the second, to strive to ensure that that session would build upon the first, finally to lead to the curbing of the arms race and commencement of a process of real disarmament.

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

While the question of developing a comprehensive programme of disarmament was not one of the more dominant subjects of the disarmament debate at the thirty-fifth session, it was commented upon in plenary meetings and dealt with in the First Committee of the General Assembly in a number of general statements.²⁴

The General Assembly at the tenth special session in 1978 placed the responsibility for accomplishing the first stage of the long-standing task of developing a comprehensive programme

of disarmament with the Disarmament Commission and that of negotiating the details with the Committee on Disarmament.²⁵

In 1980, the Committee on Disarmament started to negotiate the detailed programme on the basis of the elements recommended by the Disarmament Commission and transmitted through the Assembly to the Committee. An *Ad Hoc* Working Group of the Committee was established and had an initial exchange of views on the introductory part and six substantive chapters proposed for the programme. The Committee will continue negotiations on the comprehensive programme at its 1981 session.

(iv) *World Disarmament Conference*

Pursuant to the mandate of the General Assembly, contained in resolution 34/81, the *Ad Hoc* Committee on the World Disarmament Conference held two sessions in 1980. In its report to the Assembly,²⁶ the Committee stated that it was aware that the subject of convening a world disarmament conference at the earliest appropriate time had been considered by the Disarmament Commission in 1980. The Committee also related in its report that it had maintained close contact with the representatives of the nuclear-weapon States in order to remain currently informed of their respective attitudes. It was evident from this information that the Soviet Union continued to stress the need to convene a world disarmament conference while the four other nuclear-weapon States maintained their reservations on the practicability or value of such a conference.

By resolution 35/151, adopted without a vote, the Assembly renewed the mandate of the *Ad Hoc* Committee, requesting it, *inter alia*, to continue its consideration of the question in 1981 and to submit a report to the General Assembly at its thirty-sixth session.

(v) *Declaration of the 1980s as the Second Disarmament Decade*

In spite of their disappointment at the meagre results of the first Disarmament Decade, Member States, both in the Disarmament Commission and the relevant meetings of the General Assembly, generally expressed optimism that the coming decade would see greater progress in the field of disarmament. While virtually all of them felt that there must be greater effort towards disarmament, most believed that the new Declaration, in conjunction with the 1978 Final Document, would provide a substantive set of guidelines, which could be used to provide the possibility for achievement of concrete results during the decade.

One area of disagreement was whether or not strict time-tables should be set up for the achievement of certain of the priority measures set out in similar terms in various documents. A large number of States felt that commitment to a time-bound programme would indicate sincere political determination to achieve concrete results; other States, however, stressed that experience had shown timetables frequently to be making negotiations counter-productive.

In the end, the Declaration as formulated called for the focusing of attention on certain identifiable elements, similar both in content and priority to those contained in the Programme of Action of the 1978 Final Document, which should, as a minimum, be accomplished during the Second Disarmament Decade without specifying dates or a sequence for their achievement.

By resolution 35/46, adopted without a vote, the Assembly adopted the Declaration of the 1980s as the Second Disarmament Decade, which is reproduced below.

ANNEX

Declaration of the 1980s as the Second Disarmament Decade

I. GENERAL

1. In proclaiming the decade of the 1970s as the first United Nations Disarmament Decade, the General Assembly, in its resolution 2602 E (XXIV) of 16 December 1969, enumerated its objectives as follows:

(a) All Governments should intensify without delay their concerted and concentrated efforts for effective measures relating to the cessation of the nuclear-arms race at an early date and to nuclear disarmament and the elimination of other weapons of mass destruction, and for a treaty on general and complete disarmament under strict and effective international control;

(b) Consideration should be given to channelling a substantial part of the resources freed by measures in the field of disarmament to promote the economic development of developing countries and, in particular, their scientific technological progress.

2. Although these objectives were reiterated by the General Assembly in later sessions, the first Disarmament Decade ended without their accomplishment. While it is true that some limited agreements were reached, effective measures relating to the cessation of the nuclear arms race at an early date and to nuclear disarmament have continued to elude man's grasp. Furthermore, no progress has been made in channelling for the purpose of economic and social development any amount of the enormous resources which are wasted on the unproductive arms race.

3. Through the Final Document of the Tenth Special Session of the General Assembly, contained in resolution S-10/2 of 30 June 1978, which was adopted by consensus, the Assembly, after expressing its conviction that disarmament and arms limitation, particularly in the nuclear field, were essential for the prevention of the danger of nuclear war, for the strengthening of international peace and security and for the economic and social advancement of all peoples, laid down a Programme of Action enumerating the specific measures of disarmament which should be implemented over the next few years.

4. In spite of the positive and encouraging outcome of the special session devoted to disarmament, the decade of the 1980s has started with ominous signs of deterioration in the international situation. International peace and security are threatened by the use or threat of use of force against the sovereignty, national independence and territorial integrity of States, by military intervention and occupation, hegemonism, interference in the internal affairs of States, the denial of the right of self-determination of peoples and nations under colonial and alien domination, and by the further escalation of the arms race and efforts to achieve military superiority. It is clear that, if the emerging trend continues and meaningful efforts are not made to check and reverse this trend, international tensions will be further exacerbated and the danger of war will be greater than foreseen at the time of the special session on disarmament. In this connexion, it is pertinent to recall that in the Final Document the General Assembly emphasized that, on the one hand, the arms race in all its aspects runs counter to efforts to achieve further relaxation of international tension to establish a viable system of international peace and security and, on the other hand, that peace and security must be based on strict respect for the principles of the Charter of the United Nations. It is ironic that, while intensive discussions are under way in various forums on global economic problems and on the depletion of resources available for coping with present international economic problems, military expenditures by major military Powers are reaching ever higher levels, involving the greater diversion of resources that could have helped to promote the well-being of all peoples.

5. The close relationship between disarmament and development was also underscored in the Final Document, which stated that the resources released as a result of the implementation of disarmament measures should be devoted to the economic and social development of all nations and contribute to the bridging of the economic gap between developed and developing countries. It is, therefore, only appropriate that simultaneously with the proclamation of the Third United Nations Development Decade and the launching of the global round of negotiations, the 1980s should be declared as the Second Disarmament Decade.

II. GOALS AND PRINCIPLES

6. The goals of the Second Disarmament Decade should be conceived in the context of the ultimate objective of the efforts of States in the disarmament process, which is general and complete disarmament under effective international control, as elaborated in the Final Document.

7. Consistent with this over-all objective, the goals of the Second Disarmament Decade should be the following:

- (a) Halting and reversing the arms race, particularly the nuclear arms race;
- (b) Concluding and implementing effective agreements on disarmament, particularly nuclear disarmament, which will contribute significantly to the achievement of general and complete disarmament under effective international control;
- (c) Developing on an equitable basis the limited results obtained in the field of disarmament in the 1970s in accordance with the provisions of the Final Document;
- (d) Strengthening international peace and security in accordance with the Charter of the United Nations;
- (e) Making available a substantial part of the resources released by disarmament measures to promote the attainment of the objectives of the Third United Nations Development Decade and, in particular, the economic and social development of developing countries, so as to accelerate the progress towards the new international economic order.

8. The disarmament process and the activities during the Second Disarmament Decade should be in accordance with the fundamental principles enshrined in the Final Document and should be carried out in such a balanced and equitable manner as to ensure the right of each State to security through the adoption of appropriate measures, taking into account the importance of nuclear disarmament and conventional disarmament, the special responsibility of the States with the largest military arsenals, the specific requirements of regional situations and the necessity for adequate measures of verification. At each stage, the objective should be undiminished security at the lowest possible level of armaments and military forces.

9. Progress in disarmament should be accompanied by the strengthening of the peacemaking and peace-keeping functions of the United Nations in accordance with the Charter.

III. ACTIVITIES

A. General

10. The decade of the 1980s should witness renewed intensification by all Governments and the United Nations of their efforts to reach agreement and to implement effective measures that will lead to discernible progress towards the goal of general and complete disarmament under effective international control. In this connexion, special attention should be focused on certain identifiable elements in the Programme of Action as adopted by the General Assembly at its tenth special session which should, as a minimum, be accomplished during the Second Disarmament Decade both through negotiations in the multilateral negotiating forum, the Committee on Disarmament, and in other appropriate forums. Adequate methods and procedures of verification should be considered in the context of international disarmament negotiations.

B. Comprehensive programme of disarmament

11. Having been recognized as an important element in an international disarmament strategy, the comprehensive programme for disarmament should be elaborated with the utmost urgency. The Committee on Disarmament should expedite its work on the elaboration of the programme with a view to its adoption no later than at the second special session of the General Assembly devoted to disarmament, scheduled for 1982.

C. Priorities

12. The accomplishment of those specific measures of disarmament which have been identified in the Final Document as worthy of priority negotiations by the multilateral negotiating organ would create a very favourable international climate for the second special session of the General Assembly devoted to disarmament. All efforts should be exerted, therefore, by the Committee on Disarmament urgently to negotiate with a view to reaching agreement, and to submit agreed texts where possible before the second special session devoted to disarmament on:

- (a) A comprehensive nuclear-test-ban treaty;
- (b) A treaty on the prohibition of the development, production and stockpiling of all chemical weapons and their destruction;
- (c) A treaty on the prohibition of the development, production and use of radiological weapons;
- (d) Effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons, taking into account all proposals and suggestions that have been made in this regard.

13. The same priority should be given to the following measures which are dealt with outside the Committee on Disarmament:

- (a) Ratification of the Treaty on the Limitation of Strategic Offensive Arms (SALT II) and commencement of negotiations for a SALT III agreement;
- (b) Ratification of Additional Protocol I of the Treaty for the Prohibition of Nuclear Weapons in Latin America (Treaty of Tlatelolco);
- (c) Signature and ratification of the agreement negotiated by the United Nations Conference on Prohibitions or Restrictions of Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects;
- (d) Achievement of an agreement on mutual reduction of armed forces and armaments and associated measures in central Europe;
- (e) Negotiations on effective confidence-building measures and disarmament measures in Europe among the States participating in the Conference on Security and Co-operation in Europe, taking into account initiatives and proposals to this effect;
- (f) Achievement of a more stable situation in Europe at a lower level of military potential on the basis of approximate equality and parity by agreement on appropriate mutual reduction and limitation of armaments

and armed forces in accordance with paragraph 82 of the Final Document, which would contribute to the strengthening of security in Europe and constitute a significant step towards enhancing international peace and security.

14. Other priority measures that should be pursued as rapidly as possible during the Second Disarmament Decade include:

(a) Significant progress towards the achievement of nuclear disarmament, which will require urgent negotiation of agreements at appropriate stages and with adequate measures of verification satisfactory to the States concerned for:

- (i) Cessation of the qualitative improvement and development of nuclear-weapon systems;
- (ii) Cessation of the production of all types of nuclear weapons and their means of delivery, and of the production of fissionable material for weapons purposes;
- (iii) A comprehensive, phased programme with agreed time-frames, whenever feasible, for progressive and balanced reduction of stockpiles of nuclear weapons and their means of delivery, leading to their ultimate and complete elimination at the earliest possible time;

(b) Prevention of the emergence of new types of weapons of mass destruction and new systems of such weapons;

(c) Further strategic arms limitation negotiations between the two parties, leading to agreed significant reductions of, and qualitative limitations on, strategic arms. These should constitute an important step in the direction of nuclear disarmament and, ultimately, of the establishment of a world free of such weapons;

(d) Further steps to develop an international consensus to prevent the proliferation of nuclear weapons in accordance with the provisions of paragraphs 65 to 71 of the Final Document;

(e) Strengthening of the existing nuclear-weapon-free zone and the establishment of other nuclear-weapon-free zones in accordance with the relevant paragraphs of the Final Document;

(f) Establishment of zones of peace in accordance with the relevant provisions of the Final Document;

(g) Measures to secure the avoidance of the use of nuclear weapons, the prevention of nuclear war and related objectives, where possible through international agreement, bearing in mind various proposals designed to secure these objectives and in accordance with paragraphs 57 and 58 of the Final Document, and thereby to ensure that the survival of mankind is not endangered;

(h) Further steps to prohibit military or any other hostile use of environmental modification techniques;

(i) Multilateral regional and bilateral measures on the limitation and reduction of conventional weapons and armed forces, in accordance with the relevant provisions of the Final Document;

(j) Reduction of military expenditures;

(k) Confidence-building measures, taking into account the particular conditions and requirements of different regions, with a view to strengthening the security of States.

D. Disarmament and development

15. Peace and development are indivisible. During the Second Disarmament Decade, utmost efforts should be made towards the implementation of the specific measures whereby disarmament will contribute effectively to economic and social development and thus facilitate the full and early realization of the new international economic order. To this end, renewed efforts should be made to reach agreement on the reduction of military expenditures and the reallocation of resources from military purposes to economic and social development especially for the benefit of developing countries.

16. Efforts should also be made to strengthen international co-operation for the promotion of the transfer and utilization of nuclear technology for economic and social development, especially in the developing countries, taking into account the provisions of all relevant paragraphs of the Final Document, in particular to ensure the success of the United Nations Conference for the Promotion of International Co-operation in the Peaceful Uses of Nuclear Energy, to be convened on principle by 1983, as decided upon in General Assembly resolution 34/63 of 29 November 1979, as well as other promotional activities in this field in the United Nations system, including those within the framework of the International Atomic Energy Agency.

E. Disarmament and international security

17. An essential condition for progress in the field of disarmament is the preservation and strengthening of international peace and security and the promotion of confidence among States. Nuclear weapons pose the greatest danger to mankind and to the survival of civilization. It is essential to halt and reverse the nuclear-arms race in all its aspects in order to avert the danger of war involving nuclear weapons. The ultimate goal in this context is the complete elimination of nuclear weapons. Significant progress in nuclear disarmament would be

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

18. All States Members of the United Nations have, in the Final Document, reaffirmed their full commitment to the purposes of the Charter of the United Nations and their obligation strictly to observe its principles as well as other relevant and generally accepted principles of international law relating to the maintenance of international peace and security. Disarmament, relaxation of international tension, respect for the right to self-determination and national independence, sovereignty and territorial integrity of States, the peaceful settlement of disputes in accordance with the Charter and the strengthening of international peace and security are directly related to each other. Progress in any of these spheres has a beneficial effect on all of them; in turn, failure in one sphere has negative effects on others. In the decade of the 1980s, all Governments, in particular the most advanced military Powers, should therefore take such steps as will contribute to the widening of trust among nations of the world as well as in the various regions. This implies a commitment on the part of all States to avoid actions likely to increase tension or create new areas of threats to international peace and security and, in their relationship with other countries, strictly to respect the sovereignty and territorial integrity of States, and the right of peoples under colonial or foreign domination to self-determination and national independence.

F. *Public awareness*

19. As stated in paragraph 15 of the Final Document, it is essential that not only Governments but also the peoples of the world recognize and understand the dangers in the present world armament situation, so that world public opinion will be mobilized on behalf of peace and disarmament. This will be of great importance to the strengthening of international peace and security, the just and peaceful resolution of disputes and conflicts and effective disarmament.

20. In the course of the decade of the 1980s, therefore, governmental and non-governmental information organs of Member States and those of the United Nations and the specialized agencies, as well as non-governmental organizations, should, as appropriate, undertake further programmes of information relating to the danger of the armaments race as well as to disarmament efforts and negotiations and their results, particularly by means of annual activities conducted in connexion with Disarmament Week. These actions should constitute a large-scale programme further to alert world opinion to the danger of war in general and of nuclear war in particular. In keeping with its central role and primary responsibility in the sphere of disarmament, the United Nations, in particular its Centre for Disarmament, should intensify and co-ordinate its programme of publications, audio-visual materials, co-operation with non-governmental organizations and relations with the media. Among its activities, the United Nations should also, in the course of the Second Disarmament Decade, sponsor seminars in the different regions of the world at which issues relating to world disarmament, in general, and to the particular region, especially, will be extensively discussed.

G. *Studies*

21. As part of the process of facilitating the consideration of issues in the field of disarmament, studies on specific questions should be undertaken on the decision of the General Assembly, when necessary for preparing the ground for negotiations or reaching agreement. Also, studies pursued under the auspices of the United Nations, in particular by the United Nations Institute for Disarmament Research established by Assembly resolution 34/83 M of 11 December 1979 within the framework of the United Nations Institute for Training and Research, could bring a useful contribution to the knowledge and exploration of disarmament problems, especially in the long term.

H. *Implementation, review and appraisal*

22. In the accomplishment of the activities earmarked for the Second Disarmament Decade, all Governments, particularly the most advanced military Powers, should make an effective contribution. The United Nations should continue to play a central role. The Committee on Disarmament should fully discharge its responsibility as the single multilateral disarmament negotiating body. The General Assembly should, at its annual sessions and, in particular, at its second special session devoted to disarmament to be held in 1982, make an effective contribution to the pursuit of the goals of disarmament.

23. It is pertinent also to recall that paragraphs 121 and 122 of the Final Document stated:

(a) That bilateral and regional disarmament negotiations may also play an important role and could facilitate the negotiation of multilateral agreements in the field of disarmament;

(b) That at the earliest appropriate time, a world disarmament conference should be convened with universal participation and with adequate preparation.

24. In order to ensure a co-ordinated approach and to consider the implementation of the Declaration of the 1980s as the Second Disarmament Decade, this question should be included in the agenda of the second special session of the General Assembly devoted to disarmament, envisaged for 1982.

25. In addition, the General Assembly will undertake at its fortieth session, in 1985, a review and appraisal, through the Disarmament Commission, of progress in the implementation of the measures identified in the present Declaration.

(b) Nuclear disarmament

(i) *Nuclear arms limitation and disarmament*

In 1980, divergent approaches continued to mark the consideration of questions related to nuclear arms limitation and nuclear disarmament. Although there was general recognition of the pressing need for progress towards the objectives set out in the Final Document of the first special session devoted to disarmament, particularly in paragraph 50, serious differences persisted, especially among the nuclear-weapon States, with respect to a number of fundamental issues, such as: suitable conditions and framework for negotiations; the stages by which nuclear disarmament should proceed; the respective responsibilities of the five nuclear-weapon States at various stages of the process; the relationship between nuclear and conventional disarmament; and the practical implications of the concept of undiminished security at all stages.

Those differences are of long standing and therefore the search for common grounds, under any circumstances, would be lengthy and laborious. Awareness of existing difficulties has increased in 1980 in the midst of developments in the international situation which have had adverse effects on the discussions on questions relating to the cessation of the nuclear arms race and nuclear disarmament in the Disarmament Commission, the Committee on Disarmament and the General Assembly, as well as in other forums, notably SALT. At the same time, the deterioration of international relations has heightened the urgency of coming to grips with the questions relating to nuclear arms limitation and disarmament.

The General Assembly at its thirty-fifth session adopted four resolutions on measures in the field of nuclear arms limitation, three of which (resolutions 35/156 C, H and K) have been dealt with under the heading "General and complete disarmament, consideration by the General Assembly".²⁷ By the fourth resolution (35/152 D), the Assembly declared once again that the use of nuclear weapons would be a violation of the Charter of the United Nations and a crime against humanity and that the use or threat of nuclear weapons should therefore be prohibited pending nuclear disarmament.²⁸

(ii) *Second Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons*

The Second Review Conference was held in Geneva from 11 August to 7 September 1980. The number of participants in the Conference was 75, as compared to 58 in the 1975 Conference.²⁹ The Conference failed to reach consensus agreement on a substantive final declaration. However, in part because the "Group of 77" developing countries refused to downplay what amounted to basic differences in perception as to certain purposes and objectives of the Treaty, participants emerged from the Conference with a better understanding of the real issues. Moreover, the value of the Treaty was not called into question; the disagreement concerned its implementation rather than its usefulness.

A positive result was achieved in the area of peaceful uses of nuclear power, where general agreement on questions of safeguards on and access to nuclear materials and technology provided a good basis for future action in other forums, especially those involving IAEA.

The complexities surrounding the question of achieving nuclear disarmament, however, particularly with regard to Article VI of the Treaty were not significantly diminished by the Review Conference. Concrete progress in that area was still urgently required to ensure the further strengthening and continuing effectiveness of the non-proliferation Treaty as the main international instrument for guarding the world against the proliferation of nuclear weapons.

(iii) *Cessation of nuclear-weapon tests*

In the view of many States, 1980 was another year of little or no progress towards the cessation of nuclear-weapon tests. Despite the General Assembly's request to the Committee on Disarmament to initiate negotiations on a treaty as a matter of the highest priority, the Committee was not able to begin such a task. Persistent efforts to establish a working group failed to find consensus, and there was no clear agreement on what such a group would have done if it had been established. There was wide criticism of the argument that effective verification remained a major obstacle to reaching agreement. The real reason, it was declared, was a continued lack of political will on the part of the nuclear-weapon States.

The more comprehensive nature of the report³⁰ of the tripartite negotiations was favourably received, and the statement that the three negotiating parties had made considerable progress was welcomed, although study of the report raised several points of criticism on the part of non-nuclear-weapon States.

By resolution 35/145 A, the Assembly *inter alia* called upon the Soviet Union, the United Kingdom and the United States to bring to a halt without delay all nuclear test explosions, either through a trilaterally agreed moratorium or through three unilateral moratoria, as a provisional measure until the new comprehensive test-ban treaty entered into force.³¹

By resolution 35/145 B, the Assembly reiterated its grave concern that nuclear-weapon testing continued unabated against the express wishes of the overwhelming majority of Member States. Reaffirming its conviction that a treaty to achieve the prohibition of all nuclear-test explosions by all States for all time was a matter of the greatest urgency and priority, the Assembly called upon the three negotiating nuclear-weapon States to exert their best efforts to bring their negotiations to a successful conclusion in the near future and it requested the Committee on Disarmament, *inter alia*, to take the necessary steps to initiate substantive negotiations on a comprehensive test-ban treaty as a matter of the highest priority.³²

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

While the question of having effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons continued to receive support in 1980 from the majority of States, views differed on the best approach to the problem.³³ Some delegations continued to emphasize the importance of the unilateral declarations issued by the nuclear powers in the course of the 1978 special session of the General Assembly on disarmament. A majority, however, found those declarations to be inadequate and regarded them as no substitute for commitments acceptable to all and embodied in a legally binding instrument. It was repeatedly stressed, that the nuclear-weapon States had a special responsibility for finding a solution to the problem, which was of crucial importance if the spread of nuclear weapons was to be prevented.

Although little progress was made in the Committee on Disarmament, towards evolving a common approach acceptable to all States, there was no objection in principle in the Committee to the idea of an international convention on the question.³⁴

The two resolutions adopted by the General Assembly ensured that the Committee would continue in 1981 to explore ways and means to overcome the difficulties encountered in the negotiations with a view to reaching agreement on effective international security arrangements for non-nuclear-weapon States. While the two resolutions were similar in many respects, resolution 35/154 provided for the possibility of a Security Council resolution approving individual declarations of nuclear-weapon States as a first step towards an international convention³⁵ while resolution 35/155, although favouring a convention, opened the door for consideration of any other proposals designed to achieve effective international guarantees.³⁶

(v) *Nuclear-weapon-free zones*

In light of the general belief that the establishment of nuclear-weapon-free zones is a feasible, practicable and effective means of promoting regional security and preventing further horizontal proliferation of nuclear weapons, the established proposals for the creation of such zones in various

parts of the world continued to enjoy wide support in 1980 from the great majority of Member States, as was evidenced in various international forums, including the Disarmament Commission, the Committee on Disarmament and the General Assembly.

In 1980, the discussion on the Treaty of Tlatelolco was narrowed down to the question of the ratification of its Additional Protocol I by France and the United States. The General Assembly in its resolution reiterated with special urgency its invitations for ratification of the Protocol by those States.³⁷

On the question of denuclearization of Africa, the States of the African region once again expressed serious concern about their security in view of the report of the Secretary-General on South Africa's nuclear plan and capability which was before the General Assembly.^{37a} In this connexion, the Assembly adopted resolution 35/146 A, by which it, *inter alia*, requested the Secretary-General to give maximum publicity to the report on South Africa's plan and capability in the nuclear field.³⁸ The proposal for a nuclear-weapon-free zone in the Middle East also continued to receive widespread support and, for the first time, Israel advanced a separate initiative on the question. Although it later withdrew its proposal, Israel supported, also for the first time, the proposal put forward by Egypt on the question, which enabled it to be adopted without a vote.³⁹ With regard to the proposal on the establishment of a nuclear-weapon-free zone in South Asia, although the Assembly as at previous sessions adopted a resolution endorsing the proposal, different views continued to exist, particularly between India and Pakistan, which led to a large number of abstentions on the relevant resolution.^{39a}

(c) Prohibition or restriction of use of other weapons

(i) *Chemical weapons*

During 1980, the urgency and importance of negotiating and elaborating a multilateral treaty prohibiting chemical weapons was once again emphasized in various international forums by countries from all regions of the world. A significant development was the decision of the Committee on Disarmament, on 17 March, to establish for the duration of its 1980 session the *Ad Hoc* Working Group on Chemical Weapons, with a mandate to define, through substantive examination, issues to be dealt with in the negotiations on such a convention. As in the previous year, the Soviet Union and the United States again presented a joint report to the Committee on Disarmament on the progress in their bilateral negotiations on chemical weapons.⁴⁰ A new element was added to the discussions in 1980 when controversial allegations were made concerning the use of chemical weapons in certain regions of the world.

The General Assembly, in its resolution 35/144 C, requested the Secretary-General to carry out an impartial investigation, with the assistance of qualified medical and technical experts, to ascertain the facts pertaining to those reports.⁴¹

By resolution 35/144 B, the Assembly urged the Committee on Disarmament to continue negotiations on a multilateral convention on the prohibition of chemical weapons as a matter of high priority.⁴²

(ii) *Review Conference of the Parties to the Convention of the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction*⁴³

The Review Conference of the parties to the biological weapons Convention was widely regarded as having been successful. As in the case of other major convocations which operate on a basis of consensus, the expectations of a number of participants in the Conference were not fully met, but, in this case, relatively few felt it necessary to explain their positions following the adoption of the Final Document.

The Conference may therefore be regarded as having given the parties to the Convention the opportunity to reaffirm, as stated in the Final Declaration, "their strong determination to exclude completely the possibility of bacteriological (biological) agents and toxins being used as weapons" and their strong support for the Convention.

The General Assembly in resolution 35/144 A⁴⁴ welcomed the Final Declaration of the Review Conference, in which the States parties to the Convention, *inter alia*,

(a) Reaffirmed their strong determination, for the sake of all mankind, to exclude completely the possibility of bacteriological (biological) agents and toxins being used as weapons, their strong support for the Convention and their continued dedication to its principles and objectives and their commitment to implement effectively its provisions;

(b) Expressed the belief that article I had proved sufficiently comprehensive to have covered recent scientific and technological developments relevant to the Convention;

(c) Considered that the flexibility of the provisions concerning consultations and co-operation on any problems which might arise in relation to the objective, or in the application of the provisions of, the Convention enabled interested States parties to use various international procedures which would make it possible to ensure effectively and adequately the implementation of the provisions of the Convention, taking into account the concern expressed by the participants in the Conference to this effect — these procedures include, *inter alia*, the right of any State party subsequently to request that a consultative meeting open to all States parties be convened at the expert level — and, having noted the concerns and differing views expressed on the adequacy of article V, believed that this question should be further considered at an appropriate time;

(d) Reaffirmed the obligation assumed by the States parties to the Convention to continue negotiations in good faith towards the recognized objectives of an early agreement on complete, effective and adequately verifiable measures for the prohibition of the development, production and stockpiling of chemical weapons and for their destruction;

(e) Noted that during the first five years of the operation of the Convention the provisions of articles VI, VII, XI and XIII had not been invoked.

(iii) *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 1980, in the General Assembly⁴⁵ and other bodies, especially in the Committee on Disarmament,⁴⁶ States maintained the same general approaches and positions as they had in previous sessions.

The Eastern European and a number of non-aligned States continued to call for conclusion of a general comprehensive agreement on the subject, and at the same time accepted the possibility of a parallel approach in the form of specific agreements on particular types and systems of weapons of mass destruction. The Western States continued to oppose a general agreement, in the belief that such an agreement would inevitably be vague and unverifiable, and to support the idea of keeping the question under review and of dealing with the conclusion of separate conventions on specific new types of weapons of mass destruction when such weapons were clearly identified.

By resolution 35/149 the General Assembly requested once again the Committee on Disarmament to continue negotiations 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 to draft possible agreements on particular types of such weapons.^{46a}

(iv) *Radiological weapons*

After an initial optimism that the Committee on Disarmament might be able to achieve success in elaborating a treaty text on a prohibition of radiological weapons the basis of the agreed joint proposal put forward in 1979 by the Soviet Union and the United States, there was a certain amount of disappointment when difficulties were encountered.⁴⁷ Several nations expressed major dissatisfaction with the scope and other aspects of the agreed joint proposal and some introduced new elements with the intention of making a treaty prohibiting radiological weapons serve a broader purpose than the two Powers had envisaged. These suggestions revealed fundamental divergencies of view which might not easily be resolved. However, there was recognition that detailed discussion within the Committee on Disarmament had been useful in revealing some differences in concept

and it was hoped that further consideration would lead to a satisfactory outcome before the second special session of the General Assembly devoted to disarmament.⁴⁸

In this connexion, a draft resolution on prohibition of radiological weapons was introduced in the First Committee, which was later adopted by the General Assembly, without a vote, as resolution 35/156 G. By this resolution, the Assembly called upon the Committee on Disarmament *inter alia* to continue negotiations with a view to elaborating a treaty prohibiting the development, production, stockpiling and use of radiological weapons.

(v) *United Nations Conference on Prohibitions or Restrictions of Use of Certain Conventional Weapons which may be deemed to be Excessively Injurious or to have Indiscriminate Effects*

The Conference held its first session in 1979 in Geneva, from 10 to 28 September. During its second session in 1980, the Conference, at its final plenary meeting, on 10 October, unanimously adopted its final report to the General Assembly to which was annexed the Final Act of the Conference containing the text of the Convention on Prohibitions of Certain Conventional Weapons and three Protocols thereto,⁴⁹ leading, respectively, with: weapons designed to injure by fragments that escape X-ray detections in the human body; mines, booby-traps and other devices; and incendiary weapons. The Convention itself stipulated that it would be open for signature by all States as of 10 April 1981, would enter into force six months after the date of deposit of the twentieth instrument of ratification and would have as its Depositary the Secretary-General of the United Nations.

2. OTHER POLITICAL AND SECURITY QUESTIONS

(a) Implementation of the Declaration on the Strengthening of International Security⁵⁰

In its resolution 35/158, which it adopted upon the recommendation of the First Committee⁵¹ the General Assembly, *inter alia*, urged all States to abide strictly, in their international relations, by their commitments under the Charter; urged all States, particularly the permanent members of the Security Council, to take all necessary steps to prevent further erosion or disruption of the process of détente and to refrain from any act which might aggravate the international situation; reaffirmed the legitimacy of the struggle of peoples under colonial or racial régimes, foreign domination and alien occupation to achieve self-determination and independence; considered that the achievement of real progress towards the establishment of a new international economic order and an accelerated economic development of the developing countries had become a central element of a peaceful and secure world; and further considered that the current deterioration of the international situation required an effective Security Council and, to that end, emphasized the great urgency of the need to examine all existing mechanisms in order to enhance the authority and enforcement capacity of the Council in accordance with the Charter.

(b) 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 nineteenth session from 10 March to 3 April 1980 in Geneva.⁵² The Sub-Committee devoted its time mainly to four items on its agenda, namely: legal implications of remote sensing of the earth from space, with the aim of formulating draft principles; elaboration of draft principles governing the use by States of artificial earth satellites for direct television broadcasting; matters relating to the definition and/or delimitation of outer space and outer space activities, bearing in mind, *inter alia*, questions relating to the geostationary orbit; and 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 use of nuclear power sources in outer space. The first two agenda items were considered by the Sub-Committee on a priority basis.

The Sub-Committee's Working Group on Remote Sensing continued its work on the preparation of texts of draft principles on remote sensing of the earth from outer space.⁵³ The Working Group considered in particular the draft texts of those principles on which tentative agreement had not as yet been reached. There were nine such principles which were closely reviewed. The Working Group did not complete its work on the text of the principles.⁵⁴

The Sub-Committee's Working Group on direct television broadcast satellites continued its work on the preparation of texts of draft principles on the use by States of artificial earth satellites for direct television broadcasting. The Working Group closely reviewed the texts of the draft principles as contained in the report of the Legal Sub-Committee on the work of its eighteenth session (A/AC.105/240, annex II, appendix A), but was unable to reach agreement on further formulations and did not complete its work on the texts of the draft principles.

The Sub-Committee considered in plenary the question of the definition and/or delimitation of outer space and outer space activities, and the question of the geostationary orbit. The Sub-Committee had before it in this connexion a proposal by the USSR on the delimitation of air space and outer space.⁵⁵ The Sub-Committee also considered in plenary the question whether existing international law relevant to outer space activities should be supplemented with respect to the use of nuclear power sources in outer space. The Sub-Committee had before it in this connexion a working paper submitted by Canada (A/AC.105/C.2/L.126) on the use of nuclear power sources in outer space.

The Committee on the Peaceful Uses of Outer Space, at its twenty-third session held at United Nations Headquarters from 27 June to 3 July 1980,⁵⁶ considered the report of the Legal Sub-Committee on its nineteenth session and made recommendations as to the work to be done by the Sub-Committee at its twentieth session in 1981.

At its thirty-fifth session, the General Assembly adopted, on the recommendation of the Special Political Committee,⁵⁷ resolution 35/14, in which it, *inter alia*, endorsed the recommendation of the Committee on the Peaceful Uses of Outer Space concerning the future work of its Legal Sub-Committee.

By its resolution 35/15, also adopted on the recommendation of the Special Political Committee,⁵⁸ the General Assembly, recalling its resolution 33/16 in which it decided to convene a second United Nations Conference on the Exploration and Peaceful Uses of Outer Space, decided to accept the offer of the Government of Austria to be host to the Conference at Vienna from 9 to 21 August 1982.

3. ECONOMIC, SOCIAL AND HUMANITARIAN QUESTIONS

(a) Economic questions

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

In 1974 the General Assembly had adopted the Declaration and the Programme of Action on the Establishment of a New International Economic Order⁵⁹ as well as the Charter of Economic Rights and Duties of States.⁶⁰ By its resolution 35/57 of 5 December 1980 adopted by a recorded vote of 134 to 1 with 12 abstentions, on the recommendation of the Second Committee,⁶¹ the General Assembly, *inter alia*, expressed its concern at the limited and partial progress achieved in the attainment of the aims and objectives established in the resolutions on the new international economic order and in the implementation of the provisions contained in the Charter of Economic Rights and Duties of States which were directed towards more just and equitable economic relations and towards the structural changes needed to promote the development of developing countries, and reaffirmed solemnly the determination to establish a new international economic order. The General Assembly also reaffirmed the role of the Declaration and the Programme of Action on the Establishment of a New International Economic Order and of the Charter of Economic Rights and

Duties of States as principal sources for international economic co-operation for development, urged Member States, in that context, to take all appropriate measures for the launching and successful conclusion of the round of global negotiations and the implementation of the International Development Strategy for the Third United Nations Development Decade, and decided, in the light of the results of the negotiations on international economic co-operation for development, to hold at its thirty-sixth session a comprehensive, in-depth review of the implementation of the Charter of Economic Rights and Duties of States, as provided for in article 34 thereof.

(2) *Restrictive business practices*

In 1978 the General Assembly had convened the United Nations Conference on Restrictive Business Practices.⁶² The Conference held its first session from 19 November to 8 December 1979 and its second session from 8 to 22 April 1980.⁶³ It approved a Set of Multilaterally Agreed Equitable Principles and Rules for the Control of Restrictive Business Practices and transmitted it to the General Assembly at its thirty-fifth session, having taken all the necessary decisions for its adoption as a resolution.⁶⁴ By its resolution 35/63 of 5 December 1980 adopted without a vote on the recommendation of the Second Committee,⁶⁵ the General Assembly, *inter alia*, adopted the Set of Multilaterally Agreed Equitable Principles and Rules for the Control of Restrictive Business Practices; decided to convene, in 1985, under the auspices of the United Nations Conference on Trade and Development, a United Nations conference to review all aspects of the above-mentioned Set of Principles and Rules; took note of the recommendations of the United Nations Conference on Restrictive Business Practices regarding international institutional machinery, contained in section G of the Set of Principles and Rules; requested the Trade and Development Board, at its twenty-second session, to establish an intergovernmental group of experts on restrictive business practices, operating within the framework of a committee of the United Nations Conference on Trade and Development, to perform the functions designated in that section and decided that the necessary resources should be made available to the United Nations Conference on Trade and Development to carry out the tasks embodied in the Set of Principles and Rules.

(b) Establishment of the University for Peace

In 1979, the General Assembly had approved⁶⁶ the idea of establishing a University for Peace — a specialized international institution for post-graduate studies, research and dissemination of knowledge specifically aimed at training for peace within the system of the United Nations University — proposed by the President of the Republic of Costa Rica in his address to the General Assembly at its thirty-third session⁶⁷ and offered by him to the international community through the United Nations. The Assembly also had established a Commission on the University for Peace and had entrusted it with preparing the organization, structure and setting in motion of the University.⁶⁶

By its resolution 35/55 of 5 December 1980, adopted without a vote, on the recommendation of the Second Committee,⁶⁸ the General Assembly, *inter alia*, having considered the Report of the Commission,⁶⁹ approved the establishment of the University for Peace in conformity with the International Agreement for the Establishment of the University for Peace and with the Charter of the University for Peace, both of which were set forth in the annex to the above-mentioned resolution; requested the Secretary-General to open for signature the International Agreement for the Establishment of the University within 10 days of its approval by the General Assembly; decided to extend the mandate of the Commission on the University for Peace, which shall act as the preparatory body of the University pending the establishment of the Council of the University, and expressed its appreciation to the President and to the Government of Costa Rica for the efforts undertaken to organize and finance the University for Peace without burdening the budget of the United Nations or the United Nations University.

(c) Environmental questions

(1) *Eighth session of the Governing Council of the United Nations Environment Programme*⁷⁰

During its eighth session, from 16 to 29 April 1980, the Governing Council held a general debate in which it discussed the introductory report of the Executive Director⁷¹ and the state of the environment report.⁷² Among the topics referred to in the debate were the further development of international environmental law through UNEP, the activities performed by the Working Group of Experts on Environmental Law, the need for ratification of relevant international instruments for the protection of the marine environment and the possibility of a senior-level meeting on environmental law to discuss a long-term work programme in the area of the interrelationship between population, resources, environment and development.⁷³

Sessional Committee I dealt *inter alia* with the question of environmental law.⁷⁴ In this connexion, the crucial function of environmental law in motivating environmentally responsible action and decision-making was pointed out and the importance of work on the register of environment-related international conventions and protocols was emphasized. Reference was made to General Assembly resolution 34/186 relating to shared natural resources shared by two or more States, the role of UNEP in its implementation was noted, and the need for guidance on practical use of the draft principles noted by the resolution was stressed. Appreciation was expressed of the efforts of the Federal Republic of Germany in the preparation of the Convention on Migratory Species concluded in fulfilment of recommendation 32 of the United Nations Conference on the Human Environment⁷⁵ and the hope was expressed that it would become an effective international instrument for the protection and wise management of migratory species and their habitats. The importance of the meeting planned in Italy later in 1980 under the Convention on Wetlands was emphasized, and international co-operation was urged to support that convention in order to conserve and protect wetlands. Reference was also made to the importance of the International Convention on Civil Liability for Oil Pollution Damage and the International Convention on the Prevention of Pollution from Ships. The progress of the Group of Experts on Environmental Law on Offshore Mining and Drilling was noted, and it was noted that its work should be concluded as soon as possible.

At its 12th meeting on 29 April 1980, the Governing Council adopted decision 8/15,⁷⁶ entitled "Environmental law", whereby the Council, *inter alia*, requested the Executive Director to convene, prior to the tenth session of the Governing Council an *ad hoc* meeting of senior government officials expert in environmental law, to assist in ensuring that the section on environmental law of the system-wide medium-term environment programme to be submitted for consideration by the Governing Council at its tenth session: (a) identifies subject areas where increased global and regional co-ordination and co-operation may encourage and further enhance progress in the field of environmental law, in particular with regard to the interests of developing countries, and (b) sets out a programme, including global, regional and national efforts, towards this end. The Council also requested the Executive Director to consult with Governments and appropriate regional governmental and non-governmental bodies with a view to reflecting particular recommendations on regional concerns, interests and priorities in the field of environmental law; to prepare the necessary documentation, noting, *inter alia*, material published by leading authors in the field of environmental law, and to transmit such documentation, including the in-depth review of environmental law referred to in his introductory report, to the Working Group of Experts on Environmental Law for examination prior to its consideration by the *ad hoc* meeting of senior government officials.

(2) *Action by the General Assembly*

By its resolution 35/74 of 5 December 1980, adopted without a vote, on the recommendation of the Second Committee,⁷⁷ the General Assembly, *inter alia*, took note of the report of the Governing Council of the United Nations Environment Programme on the work of its eighth session⁷⁸ and the decisions included therein; welcomed the decision of the Governing Council of the United Nations Environment Programme to convene, prior to its tenth session, an *ad hoc*

meeting of governmental experts in environmental law and welcomed also the offer by the Government of Uruguay to serve as host for the meeting, urging governments and the Governing Council to take all the necessary measures for the preparation of that meeting, including the provision of adequate consultancy.

(3) *Status and implementation of the Convention on the Long-Range Transboundary Air Pollution*

In 1980, five States became parties to the Convention on Long-Range Transboundary Air Pollution concluded at Geneva on 13 November 1979.

(d) Office of the United Nations High Commissioner for Refugees⁷⁹

The overall situation with regard to the international protection of refugees during most of 1980 has been somewhat more encouraging than in previous years. Large numbers of refugees were granted asylum in various parts of the world and therefore a general improvement in the situation of asylum seekers can be recorded, including the region where in past years the High Commissioner was obliged to draw attention to negative practices adopted by several countries with regard to asylum. Nevertheless, some cases in which individuals or small groups of asylum seekers encountered difficulties in gaining admission to a country of refuge point to the need for constant vigilance on the part of UNHCR to ensure that liberal practices are adopted by States with regard to the granting of asylum. There were no further measures of large-scale *refoulement* during most of 1980. There was, however, a recurrence of measures of forcible return of individuals or small groups of persons in disregard of the principle of *non refoulement*. Such measures of *refoulement* involved both individuals and groups of refugees and asylum seekers and took place in different areas and in a variety of circumstances. Concerning the expulsion of refugees from countries where they had been granted asylum, there were relatively few such cases during the year and the majority of cases coming to the attention of the office of the UNHCR involved measures taken in circumstances permitted by article 32 of the 1951 Refugee Convention. There was, on the other hand, an unprecedented increase in acts of physical violence against asylum seekers and refugees. In different areas of the world refugees and asylum seekers have been victims of rape, robbery, torture, abduction, physical injury and murder. With particular reference to the South China Sea, some two-thirds of the boats, loaded with refugees and asylum seekers which have arrived at shore and an unknown number which have been lost at sea — have been the victims of such attacks. The Executive Committee of the High Commissioner's Programme, which met in Geneva in October 1980, considered the various problems relative to the protection of asylum seekers at sea and identified a number of practical measures which Governments were urged to follow with a view to preventing the recurrence of such criminal attacks.⁸⁰ The measures proposed included an increase in surveillance of the area where such attacks occur and the establishment of procedures for the exchange of information in order to apprehend those responsible and bring them to justice. To date a number of persons accused of piracy have been prosecuted before the courts of two countries concerned while others are in the process of being brought to trial. With reference to cases of unjustified detention of refugees, although an over-all decrease in their number has been maintained, isolated incidents of unjustified detention have continued to occur. In those countries where it came to the High Commissioner's notice that refugees were being unjustifiably held in detention, efforts were made to visit them and to secure their release. With reference to the granting of economic and social rights to refugees, there is considerable diversity in the practices currently applied by States. Where refugees are admitted to a country on a purely temporary basis, they are generally accorded very few of these rights. In countries of permanent settlement, the situation varies according to the particular region and to the particular subject matter. In this connexion, it should be noted that in ratifying or acceding to the 1951 Refugee Convention, a large number of States — some 25 percent — entered reservations or interpretative statements in respect of article 17, concerning wage-earning employment. The withdrawal of such a reservation is under active consideration in one such State and it is hoped that this matter may also be given appropriate attention by other

States which maintain similar reservations. The Executive Committee of the Programme of the High Commissioner during its 1980 session took a number of decisions relating to important aspects of the refugee problem. In addition to the measures it recommended concerning the protection of asylum seekers at sea, already mentioned above, the Executive Committee, *inter alia*, recognized that refugees should be protected in regard to extradition to a country where they have well-founded reasons to fear persecution on the grounds enumerated in article 1 (A) (2) of the 1951 United Nations Convention relating to the status of refugees; recognized that voluntary repatriation constitutes generally, and in particular when a country accedes to independence, the most appropriate solution for refugee problems and stressed that the essentially voluntary character of repatriation should always be respected.⁸¹

As far as relevant international instruments are concerned, it should be pointed out that the Statute of the Office of the High Commissioner⁸² has remained throughout the years, the pivotal point in the UNHCR efforts to extend international protection to refugees. This derives from the fact that, as an Assembly resolution, the Statute is of universal application and can be invoked irrespective of whether or not the State in which a refugee problem arises is a party to the basic international refugee instruments. The effectiveness of the Statute as a basis for international protection was once again demonstrated during 1980, with the emergence or continuation of refugee problems in a number of States not parties to those instruments in different areas of the world. With reference to the basic international refugee instruments, it should be pointed out that during 1980, five more States became parties to the 1951 Convention relating to the status of refugees⁸³ and eight more States became parties to the 1967 Protocol relating to the status of refugees.⁸⁴ Within the regional level, with the accession of another State in September 1980 to the 1969 Convention relating to specific aspects of the refugee problem in Africa, there are now 21 States parties to that Convention; furthermore, the question of the transfer of responsibility for the issue of convention travel documents was the subject of a special instrument adopted within the context of the Council of Europe: the European Agreement on Transfer of responsibility for Refugees, which entered into force on 2 December 1980. This Agreement is intended to overcome certain problems which have arisen in regard to the application of paragraphs 6 and 11 of the Schedule to the 1951 Refugee Convention.

By its resolution 35/41 of 25 November 1980, adopted without a vote on the recommendation of the Third Committee,⁸⁵ the General Assembly, *inter alia*, urged Governments to intensify their support for activities which the High Commissioner is carrying out in accordance with relevant resolutions of the General Assembly and the Economic and Social Council, especially by (a) facilitating his efforts in the field of international protection by observing the principle of asylum and *non-refoulement* relating to refugees; and (b) supporting his efforts to promote, in co-operation with Governments, United Nations bodies and non-governmental organizations, durable solutions to the problems of refugees and displaced persons, including those in urgent need, whenever emergencies occur. Furthermore, by its resolution 35/42 of 25 November 1980, also adopted without a vote, on the recommendation of the Third Committee,⁸⁶ the General Assembly, *inter alia*, noting with profound regret that the international community had not given sufficient attention to the plight of refugees in Africa, requested the Secretary-General, in close co-operation with the Secretary-General of the Organization of African Unity and the United Nations High Commissioner for Refugees, to convene at Geneva on 9 and 10 April 1981 at the ministerial level, an International Conference on Assistance to Refugees in Africa.

(e) International drug control

In the course of 1980, 2 more States became party to the 1961 Single Convention on Narcotic Drugs,⁸⁷ six more States to the 1971 Convention on Psychotropic Substances,⁸⁸ three more States to the 1972 Protocol amending the 1961 Single Convention on Narcotic Drugs,⁸⁹ and two more States became parties to the Single Convention on Narcotic Drugs, 1961, as amended by the Protocol of 25 March 1972 amending the Single Convention on Narcotic Drugs, 1961.⁹⁰

The Commission on Narcotic Drugs at its sixth special session held in February 1980 took a number of decisions on the scope of control of the above-mentioned instruments and on various

other questions.⁹¹ At its thirty-fifth session, the General Assembly, by its resolution 35/195 of 15 December 1980, adopted without a vote, on the recommendation of the Third Committee,⁹² *inter alia*, took note of the resolution and decisions adopted by the Economic and Social Council at its first regular session of 1980 on the subject of narcotic drugs, elaborated on the basis of the report of the Commission on Narcotic Drugs on its sixth special session, and repeated its appeal to all States which had not yet become parties to the Single Convention on Narcotic Drugs, 1961, the 1972 Protocol amending the Single Convention on Narcotic Drugs, 1961, and to the Convention on Psychotropic Substances, 1971, to take the necessary steps to accede to those conventions and thus ensure their universal application.

(f) Crime prevention and criminal justice

Draft Code of Medical Ethics

In 1979, the General Assembly *inter alia* had requested the Secretary-General to circulate the draft Code of Medical Ethics prepared by the World Health Organization.⁹³ At its thirty-fifth session, by its resolution 35/179 of 15 December 1980 adopted without a vote, on the recommendation of the Third Committee,⁹⁴ the General Assembly *inter alia*, believing that the elaboration of a draft Code of Medical Ethics constituted an important step in the establishment of international standards in the field of human rights, requested the Secretary-General to renew his request for comments and suggestions on the draft Code of Medical Ethics to Member States, to the specialized agencies concerned and to interested intergovernmental organizations and non-governmental organizations in consultative status with the Economic and Social Council and to submit a revised report to the Economic and Social Council at the first regular session of 1981 and to the General Assembly at its thirty-sixth session; invited those Member States which have not yet done so to submit their comments and suggestions on the draft Code; requested the Economic and Social Council to consider the draft Code at its next session, taking into account the comments and recommendations submitted, with a view to presenting the draft Code to the General Assembly for adoption at its thirty-sixth session, and invited Member States to take an active part in the future deliberation on the draft Code.

(g) Human rights questions

(1) *Status and implementation of international instruments*

(i) International Covenants on Human Rights⁹⁵

In 1980, three more States became Parties to the International Covenant on Economic, Social and Cultural Rights, four more States became Parties to the International Covenant on Civil and Political Rights and three more States became Parties to the Optional Protocol to the International Covenant on Civil and Political Rights.

By its resolution 35/132 of 11 December 1980, adopted without a vote on the recommendation of the Third Committee,⁹⁶ the General Assembly, *inter alia*, noted with appreciation the Report of the Human Rights Committee on its eighth, ninth and tenth sessions⁹⁷ and expressed satisfaction at the serious and constructive manner in which the Committee was continuing to undertake its functions; again invited States which had not yet done so to become Parties to the International Covenants on Human Rights as well as to consider acceding to the Optional Protocol; also invited States Parties to the International Covenant on Civil and Political Rights to consider making the declaration provided for in article 41 of the Covenant which deals with the possibility for any State Party to the Covenant to declare that it recognizes the competence of the Committee on Human Rights to receive and consider communications to the effect that a State Party claims that another State Party is not fulfilling its obligations under the Covenant.

(ii) International Convention on the Elimination of All Forms of Racial Discrimination⁹⁸

In 1980 two more States became parties to the Convention. By its resolution 35/38 of 25 November 1980 adopted on the recommendation of the Third Committee,⁹⁹ without a vote, the General Assembly, *inter alia*, expressed its satisfaction for the increase in the number of parties to the Convention, reaffirmed once again its conviction that ratification of or accession to the Convention on a universal basis and implementation of its provisions were necessary for the realization of the objectives of the decade for action to combat racism and racial discrimination, requested States which have not yet become parties to the Convention to ratify it or to accede to it and appealed to States parties to the Convention to study the possibility of making the declaration provided for in article 14 of the Convention whereby a State Party may recognize the competence of the Committee on the elimination of racial discrimination to receive and consider communications from individuals or groups of individuals within its jurisdiction claiming to be victims of a violation by that State Party of any of the rights set forth in the Convention. Furthermore, by its resolution 35/40 of 25 November 1970 adopted also without a vote, on the recommendation of the Third Committee,⁹⁹ the General Assembly, *inter alia*, took note with appreciation of the report of the Committee on the elimination of racial discrimination on its twenty-first and twenty-second sessions,¹⁰⁰ commended the Committee for paying due attention to the protection of the rights of national or ethnic minorities and indigenous populations, as well as the rights of migrant workers, called upon all Member States to take effective measures in protecting fully these groups of people from discrimination based on race, colour, descent or national or ethnic origin, noted with appreciation the adoption by the Committee of the revised general guidelines¹⁰⁰ concerning the form and contents of reports by States parties under article 9 paragraph 1 of the Convention, invited States Parties to supply the Committee, in accordance with those guidelines, with information on the implementation of the provisions of the Convention, owing to reasons beyond their control were being prevented from fulfilling their obligations under the Convention in parts of their respective territories.

(iii) International Convention on the suppression and punishment of the crime of *apartheid*¹⁰¹

In 1980, four more States became parties to the Convention. In its resolution 35/39 of 25 November 1980 adopted on the recommendation of the Third Committee¹⁰² by a vote of 98 to none with 24 abstentions, the General Assembly, *inter alia*, strongly appealed once again to those States that have not yet become parties to the Convention to ratify or to accede to it without delay, called upon all States Parties to implement fully article IV of the Convention, concerning the prevention and prosecution of the crime of *apartheid*, 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, welcomed the efforts of the Commission on Human Rights to undertake the functions set out in article X of the Convention and invited the Commission to intensify, in co-operation with the Special Committee against *Apartheid*, its efforts to compile periodically the list of individuals, organizations, institutions and representatives of States deemed responsible for crimes enumerated in article II of the Convention as well as those against whom or which legal proceedings have been undertaken.

(iv) Status of the Convention on the Elimination of All Forms of Discrimination against Women

In 1980, 11 States became parties to the 1979 Convention on the Elimination of All Forms of Discrimination against Women.¹⁰³ By its resolution 35/140 of 11 December 1980 adopted without a vote, on the recommendation of the Third Committee, the General Assembly, *inter alia*, expressed its satisfaction and appreciation at the number of States which had either signed or become Parties to the Convention and invited all States which had not yet done so to become Parties to the Convention by signing and ratifying or acceding to it.

(2) *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 1975.¹⁰⁴ By its resolution 35/178 of 15 December 1980, adopted without a vote on the recommendation of the Third Committee,¹⁰⁵ the General Assembly, *inter alia*, recalling that resolution and others, requested the Commission on Human Rights to complete as a matter of urgency, at its thirty-seventh session, the drafting of a convention on torture and other cruel, inhuman or degrading treatment or punishment, with a view to submitting a draft, including provisions for the effective implementation of the future convention, to the General Assembly, at its thirty-sixth session.

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.¹⁰⁶ A similar appeal was made by the Assembly in resolutions 33/178 and 34/167. By its resolution 35/178 the Assembly invited Member States which had not yet done so to deposit such unilateral declarations with the Secretary-General.

(3) *Draft body of principles for the protection of all persons under any form of detention or imprisonment*

By its resolution 1979/34 of 10 May 1979 the Economic and Social Council requested the Secretary-General to transmit to all Governments, for their comments, the draft Body of Principles for the Protection of All Persons under any Form of Detention or Imprisonment¹⁰⁷ adopted by the Sub-Commission on Prevention of Discrimination and Protection of Minorities at its thirty-first session, with a view to consideration of the matter by the General Assembly at its thirty-fifth session.

By its resolution 35/177 of 15 December 1970, adopted without a vote on the recommendation of the Third Committee¹⁰⁸ the General Assembly, *inter alia*, took note of the constructive work undertaken by the open-ended working group which had been established by the Third Committee to elaborate a final version of the draft Body of Principles for the Protection of All Persons under any Form of Detention or Imprisonment,¹⁰⁹ which task, however, it had not been able to conclude; decided to refer to its thirty-sixth session the draft Body of Principles for the Protection of All Persons under any Form of Detention or Imprisonment for consideration by the Sixth Committee; and decided to establish, at its thirty-sixth session, an open-ended working group with the intention of concluding the consideration of the draft Body of Principles for the Protection of All Persons under any Form of Detention or Imprisonment, with a view to its adoption by the General Assembly.

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

By its resolution 35/174 adopted on 15 December 1980 by 120 votes to 1 with 26 abstentions, on the recommendation of the Third Committee,¹¹⁰ the General Assembly, *inter alia*, reiterated its request to the Commission of Human Rights to continue its current work on the overall analysis of the alternative approaches and ways and means for improving the effective enjoyment of human rights and fundamental freedoms; reaffirmed the paramount importance for the promotion of human rights and fundamental freedoms that Member States undertake specific obligations through accession to or ratification of international instruments in that field; emphasized the necessity of establishing the new international economic order to ensure the promotion and the full enjoyment of human rights and fundamental freedoms for all and requested the Commission on Human Rights to undertake the necessary measures to promote the right to development as a human right, which was as much a prerogative of nations as of individuals within nations, and to take action for its realization. Furthermore, by its resolution 35/174 of 15 December 1980, adopted without a vote on the recommendation of the Third Committee,¹¹⁰ the General Assembly, *inter alia*, bearing in mind that the proposal for the establishment of a post of High Commissioner for Human Rights

required more careful examination, requested the Commission on Human Rights to consider that proposal at its thirty-seventh session and to submit to the General Assembly through the Economic and Social Council a report on its work under that question, including the views expressed in the Commission in that respect. Moreover, by its resolution 35/176 of 15 December 1980, also adopted without a vote and on the recommendation of the Third Committee,¹¹⁰ the General Assembly, *inter alia*, recalling the experience acquired by the United Nations in pursuing the goal of the promotion and protection of human rights through the use of fact-finding missions in cases in which mass and flagrant violations of human rights had been recognized, considered that the question of the establishment of bodies entrusted with fact-finding missions and the extent to which they may enhance the promotion and protection of human rights required serious consideration.

(5) *Right to education*

In 1979, the General Assembly, recalling the International Covenant on Economic, Social and Cultural Rights, adopted by the General Assembly on 16 December 1966,¹¹¹ which recognizes the right of everyone to education, bearing in mind the importance of the Convention Against Discrimination in Education adopted by the General Conference of the United Nations Educational, Scientific and Cultural Organization (UNESCO) on 14 December 1960 and emphasizing the paramount importance of the implementation of the right to education for the full development of human personality and for the enjoyment of other fundamental human rights and freedoms, had invited all States to consider the adoption of appropriate legislative, administrative and other measures, including material guarantees, in order to ensure the full implementation of the right to universal education through, *inter alia*, free and compulsory primary education, the universalization and gradual free-of-charge secondary education, equal access to all educational facilities and the access of the young generation to science and culture; and had requested the Director General of UNESCO to present to the General Assembly at its thirty-fifth session a preliminary report and, at its thirty-sixth session, a final report containing, *inter alia*, information on the activities of UNESCO in relation to support for education and training of national personnel of developing countries and information on the difficulties and obstacles encountered in the full implementation of the right to education, particularly in developing countries, in conformity with their own requirements of over-all progress and development, as well as his conclusions on action to be taken in this regard.¹¹²

By its resolution 35/191 of 15 December 1980 adopted without a vote, on the recommendation of the Third Committee,¹¹³ the General Assembly, *inter alia*, took note with satisfaction of the interest shown by the Executive Board of UNESCO for the implementation of General Assembly resolution 34/170 on the right to education, invited again all States to consider the adoption of appropriate legislative, administrative and other measures, including material guarantees, in order to ensure the full implementation of the right to universal education through, *inter alia*, free and compulsory primary education, universal and gradually free-of-charge secondary education, equal access to all educational facilities and the access of the young generation to science and culture; appealed to States which had not yet done so to accelerate the procedure of ratification of the International Covenant on Economic, Social and Cultural Rights and of the Convention against Discrimination in Education and to States parties to those instruments and to other instruments in this field to put into effect systematically their provisions; invited all States to give all necessary attention to defining and determining in a more precise manner the means for implementing the provisions concerning the role of education in the International Development Strategy for the Third United Nations Development Decade; expressed its thanks to the Director-General of UNESCO for the report on the right to education prepared pursuant to General Assembly resolution 34/170;¹¹⁴ and invited the Director-General of UNESCO, in the light of resolution 34/170, and of the experience of that organization in this field, to submit to the General Assembly at its thirty-sixth session a report on the most appropriate measures to be taken by Member States, at the national and international levels, for the effective implementation of the right to education in the application of the new International Development Strategy for the Third United Nations Development Decade.

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

In 1979, the General Assembly had decided to create, at its thirty-fifth session, a Working Group, open to all Member States, to elaborate an international convention on the protection of the rights of all migrant workers and their families.¹¹⁵ By its resolution 35/198 of 15 December 1980, adopted by 131 votes to none with 11 abstentions, on the recommendation of the Third Committee,¹¹⁶ the General Assembly, *inter alia*, expressed its conviction of the contribution made by migrant workers to the economic growth and social and cultural development of the host countries and of the need for further efforts to ensure the protection of the rights and the improvement of the living conditions of all migrant workers and their families, expressed its concern of the fact that the problem of migrant workers was becoming more serious in certain regions, owing to current political and economic circumstances and for social and cultural reasons, and recognized the need for the Governments of host countries and of countries of origin to co-operate with a view to finding solutions conducive to improving the situation and ensuring the rights of all migrant workers and their families. The Assembly also welcomed the fact that the Working Group had begun its work with a view to the elaboration of a draft convention on the protection of the rights of all migrant workers and their families; took note with satisfaction of the report of the Chairman of the Working Group¹¹⁷ as well as the documents annexed to it; decided that the Working Group should hold an intersessional meeting of two weeks duration in New York in May 1981, immediately after the first regular session of the Economic and Social Council, to enable it to continue its work in order to discharge its mandate to the best of its ability during the thirty-sixth session of the General Assembly; and decided that the Working Group should meet during the thirty-sixth session of the General Assembly in order to continue its work on the elaboration of an international convention on the protection of the rights of all migrant workers and their families.

(7) *Question of the international legal protection of the human rights of individuals who are not citizens of the country in which they live*

The Economic and Social Council, by its resolution 1980/29 of 2 May 1980, had decided to transmit to the General Assembly at its thirty-fifth session the text of the draft declaration on the human rights of individuals who are not citizens of the country in which they live, prepared by the Special Rapporteur of the Sub-Commission¹¹⁸ on Prevention of Discrimination and Protection of Minorities, and amended by the response to decision 1979/36 of the Council,¹¹⁹ and recommended that the General Assembly should consider the adoption of a declaration on the subject. By its resolution 35/199 of 15 December 1980 adopted without a vote on the recommendation of the Third Committee,¹²⁰ the General Assembly, *inter alia*, took note that the open-ended working group which had been entrusted with the task of elaborating a final version of the draft declaration on the human rights of individuals who are not citizens of the country in which they live had done useful work but had not had sufficient time to conclude its task;¹²¹ decided to establish, at its thirty-sixth session, an open-ended working group for the purpose of concluding the elaboration of the draft declaration on the human rights of individuals who are not citizens of the country in which they live; and expressed the hope that a draft declaration on the human rights of individuals who are not citizens of the country in which they live will be adopted by the General Assembly at its thirty-sixth session.

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

By its resolution 33/166 of 20 December 1978 the General Assembly had taken note of the decision of the Commission on Human Rights to continue at the Commission's thirty-fifth session, as one of its priorities, its consideration of a draft convention on the rights of the child and had requested the Commission to organize its work on the draft convention on the rights of the child at its thirty-fifth session so that the draft of the convention could be ready for adoption, if possible, during 1979, the year proclaimed by the Assembly as the International Year of the Child. By its resolution 35/131 of 11 December 1980, adopted without a vote on the recommendation of the

Third Committee,¹²² the General Assembly, *inter alia*, took note with satisfaction of the work so far accomplished and the spirit of co-operation in elaborating a convention on the rights of the child, welcomed the Economic and Social Council decision 1980/138 by which the Council authorized an open-ended working group of the Commission on Human Rights to meet for a period of one week prior to the thirty-seventh session of the Commission to complete the work on the draft convention, and requested the Commission on Human Rights, at its thirty-seventh session, to continue to give high priority to the question of completing the draft convention on the rights of the child.

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

The ninth session of the Third United Nations Conference on the Law of the Sea was held from 3 March to 4 April 1980 at United Nations Headquarters, New York, and was resumed from 28 July to 29 August at the Office of the United Nations at Geneva, Switzerland.¹²³

A total of 152 States and the United Nations Council for Namibia participated in the ninth session: 152 of them attended the first part and 142 participated in the resumed session. In addition, two territories, 18 specialized agencies or United Nations related bodies, 14 intergovernmental organizations, 31 non-governmental organizations having consultative status with the Economic and Social Council, and 4 national liberation movements recognized by the Organization of African Unity or the League of Arab States participated as observers.

(1) *Rules of procedure of the Conference*

At the 122nd plenary meeting, the President of the Conference drew attention to a document,¹²⁴ containing his report on the consideration by the General Committee of a letter addressed to him by the President of the United Nations Council for Namibia requesting that arrangements should be made for the Council to represent Namibia at the Conference as a full member in accordance with General Assembly resolution 34/92 C. At the 51st meeting of the General Committee, he had proposed that, in order to comply with the request, rule 62 of the Rules of Procedure of the Conference, including the subheading attached to it, should be deleted and the subsequent rules renumbered accordingly. The Conference adopted the proposal referred to it by the General Committee without a vote.

(2) *Organization of work of the Conference at its ninth session*

The Conference agreed that negotiations would continue on outstanding hard-core issues on a priority basis. Furthermore, the Collegium would undertake the third revision of the Informal Composite Negotiating Text (ICNT) and the Conference would decide on the status to be accorded to the text.

Most of the work at the ninth session was carried out in the following bodies:

1. The Working Group of 21;
2. Negotiating Groups VI and VII;
3. The main committees; and
4. The Plenary Conference acting as a main committee.

During the first part of the ninth session, the Working Group of 21 met in closed meetings to deal with the outstanding issues before the First Committee.

On the financial arrangements, substantial support was reported for proposals covering the finance of the Enterprise and a tax system for private and public miners under contract to the Authority. It was also reported that agreement had been reached on the role of commercial arbitration in settling disputes over sea-bed mining contracts.¹²⁵

During the resumed session, new proposals were set out on outstanding issues relating to the future exploitation of the deep sea-bed.¹²⁶

The Second Committee and the two negotiating groups (VI and VII) dealing with Second Committee matters met informally during the first part of the ninth session. On the continental shelf issue, a new definition was worked out by the addition of a compromise text that would limit the breadth of the shelf to 350 miles when its outer limits extended to an oceanic ridge. Negotiations also led to a new annex to the convention setting out the mandate of a commission on the limits of the continental shelf. Finally, the Second Committee agreed on revised provisions on the protection of marine mammals and the extension of the right of hot pursuit to chases begun in archipelagic waters.¹²⁷

During the resumed session, the sponsors of the two rival proposals on delimitation of the exclusive economic zone and the continental shelf between States with opposite or adjacent coasts met together to seek a compromise on the issue.

The Third Committee held one formal meeting during the first part of the session to organize its work and decided to carry on discussion of outstanding issues relating to maritime scientific research in closed informal meetings. As in the previous sessions the Committee made substantial progress and on some of the outstanding issues, the negotiations resulted in compromise proposals on which consensus was reached.¹²⁸ During the resumed session, the Committee held informal meetings to consider the recommendations of the Drafting Committee and held a formal meeting to approve the suggested changes in the text.¹²⁹

In its informal meetings, the Conference agreed on the text of a preamble setting out principles on which the convention was to be based.¹³⁰ Furthermore, agreement was reached on the outstanding question regarding national conciliators and the establishment of a preparatory commission on which the President prepared a draft resolution.¹³¹ During the resumed session, the Informal Plenary adopted a new general article on protection of archeological and historical objects recovered from the sea-bed. It also accepted provisions exempting States from having to share information on maritime matters if such disclosure would harm their security interests, and provisions barring amendments to the principle that the sea-bed was the common heritage of mankind.

The Plenary met during the first part of the session to hear various statements on the second revision of the ICNT and main committee matters. Furthermore, the President announced that a solution had been found to the problem of how the ICNT should refer to the prospective site of the Authority.

During the resumed session, the Plenary held a general debate to enable delegations to express their views on the ICNT/Rev.2 as well as on the status of negotiations.

Finally, after reviewing all the reports submitted to the Plenary and taking note of the debate on them, the Collegium decided to include in the second revision of the ICNT all proposals submitted by the Chairmen of the three Committees, as well as the text suggested by the Chairman of Negotiating Group VII and the texts of the Preamble and on settlement of disputes proposed by the President as a result of negotiations in the Informal Plenary.

(3) *Decision of the General Assembly*

On 10 December 1980, the General Assembly, by resolution 35/116, approved the convening of the tenth session of the United Nations Conference on the Law of the Sea in New York for the period from 9 March to 17 or 24 April 1981.

5. INTERNATIONAL COURT OF JUSTICE^{132,133}

Cases submitted to the Court

(1) *United States Diplomatic and Consular Staff in Tehran* (*United States of America / Iran*)¹³⁴

By an Order of 24 December 1979 the president of the Court fixed time-limits for the filing of written pleadings.¹³⁵ The Government of the United States filed a Memorial within the time-limit so fixed, 15 January 1980. The Government of Iran did not submit any Counter-Memorial by 18 February 1980, the date on which its allotted time-limit expired. By a letter dated 16 February 1980 it reiterated its view that the Court should not, and could not, deal with the case.

On 18, 19 and 20 March 1980 the Court held a public hearing at which arguments were presented on behalf of the United States by Mr. Roberts B. Owen, as Agent, and Mr. Stephen M. Schwebel, as Deputy Agent and Counsel. The Government of Iran was not represented at the hearing.

On 24 May 1980 the Court delivered at a public sitting the Judgment¹³⁶ which is summarized below:¹³⁷

Proceedings before the Court (paras. 1-10)

After recalling the origin of the case and recapitulating the stages in the proceedings, the Court notes that at the end of the hearing the United States, in its final submissions, requested it to adjudge and declare, *inter alia*, that the Iranian Government had violated its international legal obligations to the United States and must: ensure the immediate release of the hostages; afford the United States diplomatic and consular personnel the protection and immunities to which they were entitled (including immunity from criminal jurisdiction) and provide them with facilities to leave Iran; submit the persons responsible for the crimes committed to the competent Iranian authorities for prosecution, or extradite them to the United States; and pay the United States reparation, in a sum to be subsequently determined by the Court.

Iran took no part in the proceedings. It neither filed pleadings nor was represented at the hearing, and no submissions were therefore presented on its behalf. Its position was however defined in two letters addressed to the Court by its Minister for Foreign Affairs on 9 December 1979 and 16 March 1980 respectively. In these the Minister maintained *inter alia* that the Court could not and should not take cognizance of the case.

The facts (paras. 11-32)

The Court expresses regret that Iran did not appear before it to put forward its arguments. The absence of Iran from the proceedings brought into operation Article 53 of the Statute, under which the Court is required, before finding in the Applicant's favour, to satisfy itself that the allegations of fact on which the claim is based are well founded.

In that respect the Court observes that it has had available to it, in the documents presented by the United States, a massive body of information from various sources, including numerous official statements of both Iranian and United States authorities. This information, the Court notes, is wholly concordant as to the main facts and has all been communicated to Iran without evoking any denial. The Court is accordingly satisfied that the allegations of fact on which the United States based its claim were well founded.

Admissibility (paras. 33-44)

Under the settled jurisprudence of the Court, it is bound, in applying Article 53 of its Statute, to investigate, on its own initiative, any preliminary question of admissibility or jurisdiction that may arise.

On the subject of admissibility, the Court, after examining the considerations put forward in the two letters from Iran, finds that they do not disclose any ground for concluding that it could

not or should not deal with the case. Neither does it find any incompatibility with the continuance of judicial proceedings before the Court in the establishment by the Secretary-General of the United Nations, with the agreement of both States, of a Commission given a mandate to undertake a fact-finding mission to Iran, hear Iran's grievances and facilitate the solution of the crisis between the two countries.

Jurisdiction (paras. 45-55)

Four instruments having been cited by the United States as bases for the Court's jurisdiction to deal with its claims, the Court finds that three, namely the Optional Protocols to the two Vienna Conventions of 1961 and 1963 on, respectively, Diplomatic and Consular Relations, and the 1955 Treaty of Amity, Economic Relations, and Consular Rights between the United States and Iran, do in fact provide such foundations.

The Court, however, does not find it necessary in the present Judgment to enter into the question whether Article 13 of the fourth instrument so cited, namely the 1973 Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons including Diplomatic Agents, provides a basis for the exercise of its jurisdiction with respect to the United States' claims thereunder.

Merits, Attributability to the Iranian State of the acts complained of, and violation by Iran of certain obligations (paras. 56-94)

The Court has also, under Article 53 of its Statute, to satisfy itself that the claims of the Applicant are well founded in law. To this end, it considers the acts complained of in order to determine how far, legally, they may be attributed to the Iranian State (as distinct from the occupiers of the Embassy) and whether they are compatible or incompatible with Iran's obligations under treaties in force or other applicable rules of international law.

(a) *The events of 4 November 1979* (paras. 56-68)

The first phase of the events underlying the Applicant's claims covers the armed attack on the United States Embassy carried out on 4 November 1979 by Muslim Student Followers of the Imam's Policy (further referred to as "the militants" in the Judgment), the overrunning of its premises, the seizure of its inmates as hostages, the appropriation of its property and archives, and the conduct of the Iranian authorities in the face of these occurrences.

The Court points out that the conduct of the militants on that occasion could be directly attributed to the Iranian State only if it were established that they were in fact acting on its behalf. The information before the Court did not suffice to establish this with due certainty. However, the Iranian State — which, as the State to which the mission was accredited, was under obligation to take appropriate steps to protect the United States Embassy — did nothing to prevent the attack, stop it before it reached its completion or oblige the militants to withdraw from the premises and release the hostages. This inaction was in contrast with the conduct of the Iranian authorities on several similar occasions at the same period, when they had taken appropriate steps. It constituted, the Court finds, a clear and serious violation of Iran's obligations to the United States under Articles 22 (2), 24, 25, 26, 27 and 29 of the 1961 Vienna Convention on Diplomatic Relations, of Articles 5 and 36 of the 1963 Vienna Convention on Consular Relations, and of Article II (4) of the 1955 Treaty. Further breaches of the 1963 Convention had been involved in failure to protect the Consulates at Tabriz and Shiraz.

The Court is therefore led to conclude that on 4 November 1979 the Iranian authorities were fully aware of their obligations under the conventions in force, and also of the urgent need for action on their part, that they had the means at their disposal to perform their obligations, but that they completely failed to do so.

(b) *Events since 4 November 1979* (paras. 69-79)

The second phase of the events underlying the United States' claims comprises the whole series of facts which occurred following the occupation of the Embassy by the militants. Though

it was the duty of the Iranian Government to take every appropriate step to end the infringement of the inviolability of the Embassy premises and staff, and to offer reparation for the damage, it did nothing of the kind. Instead, expressions of approval were immediately heard from numerous Iranian authorities. Ayatollah Khomeini himself proclaimed the Iranian State's endorsement of both the seizure of the premises and the detention of the hostages. He described the Embassy as a "centre of espionage", declared that the hostages would (with some exceptions) remain "under arrest" until the United States had returned the former Shah and his property to Iran, and forbade all negotiation with the United States on the subject. Once organs of the Iranian State had thus given approval to the acts complained of and decided to perpetuate them as a means of pressure on the United States, those acts were transformed into acts of the Iranian State: the militants became agents of that State, which itself became internationally responsible for their acts. During the six months which ensued, the situation underwent no material change: the Court's Order of 15 December 1979 was publicly rejected by Iran, while the Ayatollah declared that the detention of the hostages would continue until the new Iranian parliament had taken a decision as to their fate.

The Iranian authorities' decision to continue the subjection of the Embassy to occupation, and of its staff to detention as hostages, gave rise to repeated and multiple breaches of Iran's treaty obligations, additional to those already committed at the time of the seizure of the Embassy (1961 Convention: Arts. 22, 24, 25, 26, 27 and 29; 1963 Convention *inter alia*, Art. 33; 1955 Treaty, Art. II (4)).

With regard to the Chargé d'affaires and the two other members of the United States mission who have been in the Iranian Ministry of Foreign Affairs since 4 November 1979, the Court finds that the Iranian authorities have withheld from them the protection and facilities necessary to allow them to leave the Ministry in safety. Accordingly, it appears to the Court that in their respect there have been breaches of Articles 26 and 29 of the 1961 Vienna Convention.

Taking note, furthermore, that various Iranian authorities have threatened to have some of the hostages submitted to trial before a court, or to compel them to bear witness, the Court considers that, if put into effect, that intention would constitute a breach of Article 31 of the same Convention.

(c) *Possible existence of special circumstances* (paras. 80-89)

The Court considers that it should examine the question whether the conduct of the Iranian Government might be justified by the existence of special circumstances, for the Iranian Minister for Foreign Affairs had alleged in his two letters to the Court that the United States had carried out criminal activities in Iran. The Court considers that, even if these alleged activities could be considered as proven, they would not constitute a defence to the United States' claims, since diplomatic law provides the possibility of breaking off diplomatic relations, or of declaring *persona non grata* members of diplomatic or consular missions who may be carrying on illicit activities. The Court concludes that the Government of Iran had recourse to coercion against the United States Embassy and its staff instead of making use of the normal means at its disposal.

(d) *International responsibility* (paras. 90-92)

The Court finds that Iran, by committing successive and continuing breaches of the obligations laid upon it by the Vienna Conventions of 1961 and 1963, the 1955 Treaty, and the applicable rules of general international law, has incurred responsibility towards the United States. As a consequence, there is an obligation on the part of the Iranian State to make reparation for the injury caused to the United States. Since, however, the breaches are still continuing, the form and amount of such reparation cannot yet be determined.

At the same time the Court considers it essential to reiterate the observations it made in its Order of 15 December 1979 on the importance of the principles of international law governing diplomatic and consular relations. After stressing the particular gravity of the case, arising out of the fact that it is not any private individuals or groups that have set at naught the inviolability of an embassy, but the very government of the State to which the mission is accredited, the Court draws the attention of the entire international community to the irreparable harm that may be caused

by events of the kind before the Court. Such events cannot fail to undermine a carefully constructed edifice of law, the maintenance of which is vital for the security and well-being of the international community.

(e) *United States operation in Iran on 24-25 April 1980* (paras. 93 and 94)

With regard to the operation undertaken in Iran by United States military units on 24-25 April 1980, the Court says that it cannot fail to express its concern. It feels bound to observe that an operation undertaken in those circumstances, from whatever motive, is of a kind calculated to undermine respect for the judicial process in international relations. Nevertheless, the question of the legality of that operation can have no bearing on the evaluation of Iran's conduct on 4 November 1979. The findings reached by the Court are therefore not affected by that operation.

*

For these reasons, the Court gave the following decision:

“The Court,

“1. By thirteen votes to two,

“*Decides* that the Islamic Republic of Iran, by the conduct which the Court has set out in this Judgment, has violated in several respects, and is still violating, obligations owed by it to the United States of America under international conventions in force between the two countries, as well as under long-established rules of general international law;

“*IN FAVOUR: President* Sir Humphrey Waldock; *Vice-President* Elias; *Judges* Forster, Gros, Lachs, Nagendra Singh, Ruda, Mosler, Oda, Ago, El-Erian, Sette-Camara and Baxter.

“*AGAINST: Judges* Morozov and Tarazi.

“2. By thirteen votes to two,

“*Decides* that the violations of these obligations engage the responsibility of the Islamic Republic of Iran towards the United States of America under international law;

“*IN FAVOUR: President* Sir Humphrey Waldock; *Vice-President* Elias; *Judges* Forster, Gros, Lachs, Nagendra Singh, Ruda, Mosler, Oda, Ago, El-Erian, Sette-Camara and Baxter.

“*AGAINST: Judges* Morozov and Tarazi.

“3. Unanimously,

“*Decides* that the Government of the Islamic Republic of Iran must immediately take all steps to redress the situation resulting from the events of 4 November 1979 and what followed from these events, and to that end:

“(a) must immediately terminate the unlawful detention of the United States Chargé d'affaires and other diplomatic and consular staff and other United States nationals now held hostage in Iran, and must immediately release each and every one and entrust them to the protecting Power (Article 45 of the 1961 Vienna Convention on Diplomatic Relations);

“(b) must ensure that all the said persons have the necessary means of leaving Iranian territory, including means of transport;

“(c) must immediately place in the hands of the protecting Power the premises, property, archives and documents of the United States Embassy in Tehran and of its Consulates in Iran;

“4. Unanimously,

“*Decides* that no member of the United States diplomatic or consular staff may be kept in Iran to be subjected to any form of judicial proceedings or to participate in them as a witness;

“5. By twelve votes to three,

“*Decides* that the Government of the Islamic Republic of Iran is under an obligation to make reparation to the Government of the United States of America for the injury caused to the latter by the events of 4 November 1979 and what followed from these events;

“*IN FAVOUR: President* Sir Humphrey Waldock; *Vice-President* Elias; *Judges* Forster, Gros, Nagendra Singh, Ruda, Mosler, Oda, Ago, El-Erian, Sette-Camara and Baxter.

“*AGAINST: Judges* Lachs, Morozov and Tarazi.

“6. By fourteen votes to one,

“*Decides* that the form and amount of such reparation, failing agreement between the Parties, shall be settled by the Court, and reserves for this purpose the subsequent procedure in the case.

“IN FAVOUR: *President* Sir Humphrey Waldock; *Vice-President* Elias; *Judges* Forster, Gros, Lachs, Nagendra Singh, Ruda, Mosler, Tarazi, Oda, Ago, El-Erian, Sette-Camara and Baxter.

“AGAINST: *Judge* Morozov”

*

Judge Lachs appended a separate opinion, and Judges Morozov and Tarazi dissenting opinions to the Judgment.

(2) *Continental Shelf (Tunisia/Libyan Arab Jamahiriya)*¹³⁸

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.¹³⁹

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.

Having regard to the time-limits indicated by the Parties in the Special Agreement, the President, on 3 June 1980, made an Order fixing the following time-limits for the filing of Counter-Memorials: Tunisia, 1 December 1980; Libyan Arab Jamahiriya, 2 February 1981.^{140, 141}

(3) *Interpretation of the Agreement of 25 March 1951 between the WHO and Egypt*¹⁴²

On 20 May 1980 the World Health Assembly had decided to request of the Court an advisory opinion on the following questions:

“1. Are the negotiation and notice provisions of Section 37 of the Agreement of 25 March 1951 between the World Health Organization and Egypt¹⁴³ applicable in the event that either party to the Agreement wishes to have the Regional Office transferred from the territory of Egypt?

“2. If so, what would be the legal responsibilities of both the World Health Organization and Egypt, with regard to the Regional Office in Alexandria, during the two-year period between notice and termination of the Agreement?”

Pursuant to Article 65, paragraph 2, of the Statute, the Director-General of the World Health Organization had transmitted to the Court a set of documents likely to throw light upon these questions.

In accordance with Article 66, paragraph 2, of the Statute, the WHO and those of its member States entitled to appear before the Court had been informed that the Court was prepared to receive from them written or oral statements furnishing information on the questions put to it.

On 6 June 1980 the President of the Court had made an Order fixing 1 September 1980 as the time-limit for the submission of written statements.¹⁴⁴ Written statements were received from the Governments of Bolivia, Egypt, Iraq, Jordan, Kuwait, the Syrian Arab Republic, the United Arab Emirates and the United States of America.

On 21, 22 and 23 October 1980 the Court held public sittings at which oral statements were made on behalf of Egypt, the Syrian Arab Republic, Tunisia, the United Arab Emirates and the United States of America, and the Director of the Legal Division of the WHO answered questions put to him by Members of the Court.

On 20 December 1980 the Court delivered at a public sitting the Advisory Opinion a summary of which is to be found below in chapter VII of this Yearbook.¹⁴⁵

6. INTERNATIONAL LAW COMMISSION¹⁴⁶

THIRTY-SECOND SESSION OF THE COMMISSION¹⁴⁷

The International Law Commission held its thirty-second session at Geneva from 5 May to 25 July 1980. It continued to make substantial progress in its work for the development of international law and its codification. With respect to succession of States in respect of matters other than treaties, it provisionally adopted an additional set of four draft articles dealing with the transfer of part of the territory of State, uniting of States, separation of part or parts of the territory of a State and dissolution of a State.

On the question of State responsibility, the Commission considered the texts of three outstanding articles of chapter V entitled "Circumstances precluding wrongfulness concerning State of necessity" (article 33), "Self-defence" (article 34) and "Reservation as to compensation for damage" (article 35) and adopted the text of these draft articles on first reading. It thus completed its first reading of Part I of the draft which was concerned with determining on what grounds and under what circumstances a State may be held to have committed an internationally wrongful act which, as such, was a source of international responsibility. The Commission has begun also work on Part 2 of the draft under preparation concerning the content, forms and degrees of international responsibility.

With respect to the question of treaties concluded between States and international organizations or between two or more international organizations, the Commission considered and adopted sets of articles of Part V — Invalidity, termination and suspension of the operation of treaties (articles 61-72).

Regarding the law of the non-navigational uses of international watercourses, the Commission commenced its work at its 1980 session by provisionally adopting six draft articles dealing with the scope of the future draft (article 1), system States (article 2), system agreements (article 3), parties to the negotiation and conclusion of system agreements (article 4), use of waters which constitute a shared natural resource (article 5) and relationship between the present articles and other treaties in force (article X). These draft articles are intended to be included in a set of articles containing basic rules applicable to all international watercourse systems, coupled with distinct and more detailed agreements between States of an international water system which would take into account their needs and the characteristics of that particular system.

On the question of the jurisdictional immunities of States and their property, the Commission had before it the second report on the topic submitted by the Special Rapporteur¹⁴⁸ containing the text of the following six proposed draft articles: "Scope of the present articles" (article 1); "Use of terms" (article 2); "Interpretative provisions" (article 3); "Jurisdictional immunities not within the scope of the present articles" (article 4); "Nonretroactivity of the present articles" (article 5); and "The principle of State immunity" (article 6). The first five articles constituted Part I entitled "Introduction" while the sixth article was placed in Part II entitled "General principles." After consideration, the Commission provisionally adopted the texts of articles 1 and 6.

The Commission also undertook certain work on the question of international liability for injurious consequences arising out of acts not prohibited by international law, and continued its work on the Status of the diplomatic courier and the diplomatic bag not accompanied by diplomatic courier.

CONSIDERATION OF THE GENERAL ASSEMBLY

At its thirty-fifth session, the General Assembly had before it the report of the International Law Commission on the work of its thirty-second session.¹⁴⁹ By its resolution 35/163, adopted on the recommendation of the Sixth Committee,¹⁵⁰ the Assembly, *inter alia*, recommended that the Commission complete the second reading of the draft articles on succession of States, commence the second reading of the draft articles on the treaties of international organizations and continue

its work on State responsibility, on international liability for injurious consequences arising out of acts not prohibited by international law, and on the status of the diplomatic courier. The Assembly further recommended that the Commission continue its study of the second part of the topic of relations between States and international organizations.

With regard to the law of the non-navigational uses of watercourses and on jurisdictional immunities of States and their property, the Assembly recommended that the Commission proceed with the preparation of draft articles on these questions, taking into account the replies to the questionnaires addressed to Governments as well as information furnished by them.

7. UNITED NATIONS COMMISSION ON INTERNATIONAL TRADE LAW¹⁵¹

THIRTEENTH SESSION OF THE COMMISSION¹⁵²

The United Nations Commission on International Trade Law (UNCITRAL) held its thirteenth session at United Nations Headquarters from 14 to 25 July 1980.

With respect to international trade contracts, the Commission had, at its 1978 session, decided to commence a study of international contract practices with special reference to "hardship" clauses, *force majeure* clauses, liquidated damages and penalty clauses and clauses protecting parties against the effects of fluctuations in the value of currency. At the 1980 session, the Commission discussed the report of the Working Group on International Contract Practices which considered the draft rules regulating liquidated damages and penalty clauses. The Commission accepted the recommendations of the Working Group to request the Secretariat to undertake further study on the subject to be submitted to the next session of the Working Group.

On the question of international payments, the Commission considered the report of the Working Group on International Negotiable Instruments which completed the substance of its work on the draft Convention on International Bills of Exchange and International Promissory Notes. The Commission deferred, however, its consideration of the draft Convention until the Working Group had completed its work on the draft Uniform Rules applicable to International Cheques drawn up by the Secretariat. The Commission had before it also a report of the Secretary-General entitled "Security interests: issues to be considered in the preparation of uniform rules" which followed a report on the feasibility of uniform rules on security interests in goods and their possible content. The Commission reached the view that world-wide unification of the law of security interests in goods was in all likelihood unattainable. It decided therefore that the item should no longer be accorded priority.

In the course of its thirteenth session, the Commission also considered the question of international commercial arbitration and conciliation. The Commission unanimously adopted UNCITRAL Conciliatory Rules¹⁵³ and invited the General Assembly to recommend the use of it in cases where a dispute arises in the context of international commercial relations and the parties seek an amicable settlement of that dispute by recourse to conciliation. As to the UNCITRAL Arbitration Rules, the Commission considered the desirability of issuing a list of arbitral institutions which could act as appointing authorities, and the preparation of a model law on arbitral procedure¹⁵⁴ and invited States to provide the Secretariat with relevant materials on national legislation and case law, and pertinent treatises where available.

Regarding the new international economic order, the Commission noted with appreciation the report of its Working Group on the matter and welcomed its recommendations concerning a list of topics prepared for possible inclusion in the Commission's programme of work. It agreed to accord priority to work related to contracts in the field of industrial development.

CONSIDERATION BY THE GENERAL ASSEMBLY

At its thirty-fifth session, the General Assembly had before it the report of UNCITRAL on the work of its thirteenth session.¹⁵⁵ With respect to the UNCITRAL Conciliation Rules, the

Assembly adopted, on the recommendation of the Sixth Committee¹⁵⁶ resolution 35/52 in which it, *inter alia*, endorsed the recommendations of the Commission referred to above. On the report of the Commission, the Assembly adopted also, on the recommendation of the Sixth Committee,¹⁵⁷ resolution 35/51 in which it, *inter alia*, recommended that the Commission should continue its work on the topics included in its programme of work, continue its work on training and assistance in the field of international trade law, taking into account the special interests of the developing countries and continue to maintain close collaboration with UNCTAD, ILC and UNIDO and continue to maintain liaison with the Commission on Transnational Corporations.

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

(a) Draft Code of Offences Against the Peace and Security of Mankind

At the thirty-third session, the General Assembly, in its resolution 33/97, requested the Secretary-General to invite Member States and relevant international intergovernmental organizations to submit their comments on the draft prepared in 1954 by the International Law Commission on this topic.¹⁵⁸

At the thirty-fifth session, different views were expressed within the Sixth Committee on the desirability of resuming work on a draft code of offences against the peace and security of mankind. While a number of delegations took a positive stand on the question and offered comments and suggestions on the content of such a future instrument, others held the view that the problems involved were so controversial that there was little likelihood of reaching consensus solutions. The Assembly, by its resolution 35/49 adopted on the recommendation of the Sixth Committee,¹⁵⁹ requested the Secretary-General to reiterate his invitation to Member States and relevant international intergovernmental organizations to submit or update their comments and observations on the draft Code and on the basis of these replies and the statements made during the debate on this item, to prepare an analytical paper in order to facilitate the further consideration of the item.¹⁶⁰

(b) Draft articles on most-favoured-nation clauses

By its resolution 35/161 adopted on the recommendation of the Sixth Committee,¹⁶¹ the General Assembly, *inter alia*, took note of the report of the Secretary-General and requested him to reiterate his invitation to Member States, organs of the United Nations having competence in the subject-matter and interested intergovernmental organizations to submit or update their comments and observations on chapter II of the report of the International Law Commission on the work of its thirtieth session¹⁶² and, in particular, on the draft articles on most-favoured nation clauses adopted by the Commission and those provisions relating to such clauses on which the Commission was unable to take decisions. It requested States to comment on the recommendation of the Commission that those draft articles should be recommended to Member States with a view to the conclusion of a convention on the subject.

(c) Review of the multilateral treaty-making process

By its resolution 35/162 adopted on the recommendation of the Sixth Committee,¹⁶³ the General Assembly *inter alia* took note of the report of the Secretary-General¹⁶⁴ and of the views of Governments and of the International Law Commission,¹⁶⁵ invited Governments and international intergovernmental organizations to submit their observations on the report of the Secretary-General, and requested the Secretary-General to prepare and publish new editions of the United Nations publications relevant to question, namely, the Handbook of Final Clauses¹⁶⁶ and the Summary of Practice of the Secretary-General on Depositary of Multilateral Agreements.¹⁶⁷

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

In accordance with General Assembly resolution 34/13, the Special Committee on Enhancing the Effectiveness of the Principle of Non-Use of Force in International Relations met at United Nations Headquarters from 7 April to 2 May 1980.¹⁶⁸ It held a general debate on the questions within its mandate. It also established a Working Group which started where it had left off on its consideration of the five-States document submitted at the previous session, and reproduced in paragraph 129 of its report on that session.¹⁶⁹ The Working Group devoted several of its meetings to the consideration of a working paper submitted by a group of non-aligned countries.¹⁷⁰

At its thirty-fifth session, the General Assembly, by its resolution 35/50 which it adopted on the recommendation of the Sixth Committee¹⁷¹ noted that the Special Committee had not completed the mandate entrusted to it and, *inter alia*, decided that the Special Committee should continue to 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 recommendation as the Committee deemed appropriate and requested the Special Committee to consider thoroughly, and to take duly into account all the proposals submitted to it with a view to ensuring a successful completion of its mandate.

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

Pursuant to General Assembly resolution 34/147, the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization met at Manila, Philippines, from 28 January to 22 February 1980.¹⁷² It established an open-ended Working Group to discuss the topics referred to in paragraph 3 (a) and 4 of resolution 34/147, namely, the questions of the maintenance of international peace and security and of the peaceful settlement of disputes. For lack of time, the Working Group was unable to consider the topic referred to in paragraph 3 (b) of that resolution, namely, the question of rationalization of existing procedures of the United Nations. In the latter respect, the Working Group started the elaboration of a draft declaration (referred to as draft Manila Declaration) on the peaceful settlement of disputes.

At the thirty-fifth session of the General Assembly, many delegations in the Sixth Committee took note of the significant progress made by the Special Committee in the fulfilment of its mandate. The Assembly, by its resolution 35/164 adopted on the recommendation of the Sixth Committee,¹⁷³ *inter alia*, requested the Special Committee at its next session to accord priority in its work to the proposals regarding the question of the maintenance of international peace and security, with a view to listing and examining all proposals, including those relating to the functioning of the Security Council and to consider proposals made by Member States on the question of rationalization of existing procedures of the United Nations, and, subsequently, any proposals under other topics. It also requested the Special Committee to continue the elaboration of the draft Manila Declaration on the peaceful settlement of international disputes with a view to submitting it for consideration to the General Assembly.

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

By its resolution 35/166 adopted on the recommendation of the Sixth Committee,¹⁷⁴ the General Assembly, *inter alia*, took note of the report of the Secretary-General,¹⁷⁵ requested UNITAR to prepare a list of the existing and evolving principles and norms of international law relating to the new international economic order concerning the economic relations among States, international organizations and other entities of public international law, and the activities of transnational corporations, as contained *inter alia* in the texts mentioned in points (i) to (vii) of subparagraph (a) of paragraph 1 of resolution 35/106, and to prepare an analytical study on the progressive development of the principles and norms of international law relating to the new international

economic order.¹⁷⁶ It requested also UNCITRAL, UNCTAD, UNIDO, the regional commissions, the United Nations Centre for Transnational Corporations and other relevant organizations active in this field, as determined by UNITAR, to submit relevant information and to co-operate fully with the Institute in the implementation of this resolution.

(g) International convention against the recruitment, use, financing and training of mercenaries

This question was originally included in the agenda of the thirty-fourth session of the General Assembly at the initiative of Nigeria. At its thirty-fifth session, the Assembly, in resolution 35/48 adopted on the recommendation of the Sixth Committee¹⁷⁷ bearing in mind the need for strict observance of the principle of sovereign equality, political independence, territorial integrity of States and self-determination of peoples, as enshrined in the Charter of the United Nations and developed in the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations,¹⁷⁸ *inter alia* recognized that the activities of mercenaries were contrary to fundamental principles of international law, such as non-interference in the internal affairs of States, territorial integrity and independence, and seriously impede the process of self-determination of peoples struggling against colonialism, racism and apartheid and all forms of foreign domination, decided to establish an *Ad Hoc* Committee on the Drafting of an International Convention against the Recruitment, Use, Financing and Training of Mercenaries, composed of 35 Member States, requested the Committee to elaborate at the earliest possible date an international convention to prohibit the recruitment, use, financing and training of mercenaries and authorized the Committee in the fulfilment of its mandate to take into account suggestions and proposals from any State, bearing in mind the views and comments communicated to the Secretary-General and those expressed during the debate on this item at the thirty-fifth session of the General Assembly.

(h) Peaceful settlements of disputes between States

At the thirty-fifth session of the General Assembly this question was considered by the Sixth Committee jointly with that of the report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization.¹⁷⁹ By its resolution 35/160 adopted on the recommendation of the Sixth Committee,¹⁸⁰ the Assembly, after *inter alia* expressing its deep concern at the continuation of conflict situations and the emergence of new sources of disputes and tension in international life and especially at the growing tendency to resort to force or the threat of force and at the escalation of the arms race, which gravely endanger the independence and security of States, as well as international peace and security, called again upon 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. It considered that the question of the peaceful settlement of disputes should represent one of the central concerns for States and that, to this end, the efforts for examining and further developing the principle of the peaceful settlement of disputes between States and the means of consolidating its full observance by all States in their international relations should be continued. The Assembly considered also that the elaboration, as soon as possible, of a declaration of the General Assembly on the peaceful settlement of international disputes was likely to contribute to the strengthening of the role and the efficiency of the United Nations in preventing conflicts and settling them peacefully.

(i) Consideration of effective measures to enhance the protection, security and safety of diplomatic and consular missions and representatives

This item was included in the agenda of the thirty-fifth session of the General Assembly at the request of the five Nordic countries — Denmark, Finland, Iceland, Norway and Sweden.¹⁸¹

The Assembly, by its resolution 35/168 adopted on the recommendation of the Sixth Committee,¹⁸² *inter alia* recognized that acts of violence against diplomatic and consular missions and

representatives might seriously affect the maintenance of friendly relations and co-operation among States, deplored all violations of the principles and rules of international law governing diplomatic and consular relations, condemned all acts of violence against diplomatic and consular missions and representatives and urged all States to take all necessary measures with a view to effectively ensuring, in conformity with their international obligations, the protection, security and safety of diplomatic and consular missions and representatives in the territory under their jurisdiction, including practicable measures to prohibit in their territories illegal activities of persons, groups and organizations that encourage, instigate, organize or engage in the perpetration of acts against the security and safety of such missions and representatives. It called upon all States which had not yet done so to consider becoming parties to the relevant conventions concerning the inviolability of diplomatic and consular missions and representatives.¹⁸¹

9. UNITED NATIONS INSTITUTE FOR TRAINING AND RESEARCH¹⁸⁴

In 1980 UNITAR continued to develop its training programmes in New York, Geneva and other locations for officials, primarily from developing countries, concerned with United Nations-related tasks and responsibilities.

It organized a seminar of the drafting of plurilingual instruments, treaties and resolutions, which was held from 24 to 28 March 1980 in Geneva with a view to assisting members of permanent missions better to understand drafting procedures and techniques for plurilingual instruments in general and United Nations resolutions and decisions in particular.

Briefing and discussion seminars on the law of the sea were held in New York on 25 and 26 February 1980 and in Geneva on 23 and 24 July 1980, immediately prior to the ninth and tenth sessions of the Third United Nations Conference on the Law of the Sea. The seminars were designed to inform new delegates about the historical background and the work of the committees, the settlement of disputes and final clauses.

As in previous years, UNITAR assumed responsibility for the major part of the United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law, established under General Assembly resolution 2099 (XX) of 20 December 1965. A number of fellowships were awarded to legal advisers of Governments and to teachers of international law, mostly from developing countries. The programme included participation in the courses on international law at The Hague Academy of International Law and in the special courses and seminars organized by UNITAR during this period. In addition to the programme at The Hague in July and August 1980, the fellows had a choice of attending the international law seminar organized in Geneva in connexion with the annual session of the International Law Commission, or of doing three months of practical training in the United Nations Office of Legal Affairs or in the specialized agencies.

In the autumn of 1980 20 fellowship recipients participated in a course on the drafting and interpretation of bilingual and plurilingual treaties and instruments and one on disarmament documentation, and also took part in a simulation exercise. The course was organized in New York by UNITAR in collaboration with the United Nations Programme of Fellowships on Disarmament.

From 15 to 23 April 1980 UNITAR held a seminar in Moscow, under the auspices of the State Committee for Science and Technology of the Union of Soviet Socialist Republics and in co-operation with the All-Union Academy of Foreign Trade of the USSR, on economic and legal aspects of the establishment of a new international economic order. The seminar was designed primarily for middle rank foreign service officers from developing countries. The objective of the seminar was to focus attention on selected problems of international relations in the context of efforts under way to establish a new international economic order.

In accordance with the General Assembly resolution 33/99 of 16 December 1978 a UNITAR colloquium on prohibition of *apartheid*, racism and racial discrimination and the achievement of self-determination in international law was held from 20 to 24 October 1980 in Geneva. The meeting

produced a report proposing various initiatives some of which have since been implemented in UNITAR and other organs of the United Nations system.¹⁸⁵

By its resolution 35/166 of 15 December 1980 the General Assembly requested UNITAR to prepare a list of the existing and evolving principles and norms of international law relating to the new international economic order. The purpose of the study is to set out principles derived from various international instruments that purport to treat normatively aspects of economic relations among States and this is to be classified in terms of subject matter and in terms of the kind of instrument in which the principle is incorporated.¹⁸⁶

In 1980 UNITAR also began a study on lessons of the law of the sea negotiations. The purpose of the study is to examine the structural and institutional framework of the negotiations with a view to deriving lessons from both the positive and negative aspects of the experience.

A project on the legal rights of the child, begun in 1980, was undertaken by UNITAR in collaboration with the secretariat of the United Nations International Year of the Child (IYC). The ultimate purposes of this project, which was designed to promote activities relating to the International Year of the Child, are: (a) to assist Governments in their efforts to provide lasting improvements in the well-being of the child and (b) to facilitate further study and comparison of the world's legal system as they affect children.

UNITAR also formulated a research project on travaux préparatoires of the United Nations multilateral conventions which had two objectives: the preparation of a systematic analysis of the preparatory work of certain United Nations conventions and the physical reproduction in convenient form of all the material relevant to each convention. The initial emphasis was placed on the 1951 Convention relating to the Status of Refugees,¹⁸⁷ the 1954 Convention relating to the Status of Stateless Persons¹⁸⁸ and the 1967 Protocol relating to the Status of Refugees.¹⁸⁹

UNITAR also undertook a project on evaluation of the liability of States for damage caused through scientific and technological innovations which consists of a thorough and comprehensive study of the impact of scientific and technological change on the responsibility of States in international law for injuries arising from their misuse or negligent control of technologically advanced instruments, materials or fuels.

Among the studies published by UNITAR in 1980, mention should be made of a research report entitled *The Helsinki Final Act Viewed in the United Nations Perspective*,¹⁹⁰ relating to security and co-operation in Europe.

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

1. INTERNATIONAL LABOUR ORGANISATION¹⁹¹

1. The International Labour Conference (ILC) which held its 66th session in Geneva in June 1980, adopted the following instruments: an Amended List of Occupational Diseases appended to the Employment Injury Benefits Convention, 1964 (No. 121);¹⁹² and a Recommendation concerning Older Workers.¹⁹³

2. The International Labour Conference (ILC) also adopted certain amendments to its Standing Orders.¹⁹⁴

3. The Committee of Experts on the Application of Conventions and Recommendations met in Geneva from 13 to 26 March 1980, and presented its report.¹⁹⁵

4. The Governing Body Committee on Freedom of Association met in Geneva and adopted Reports Nos. 199,¹⁹⁶ 200¹⁹⁶ and 201¹⁹⁶ (212th Session of the Governing Body, February-March 1980); Reports Nos. 202¹⁹⁷ and 203¹⁹⁷ (213th Session of the Governing Body, May-June 1980); and Reports Nos. 204,¹⁹⁸ 205¹⁹⁸ and 206¹⁹⁸ (214th Session of the Governing Body, November 1980).

2. FOOD AND AGRICULTURE ORGANIZATION OF THE UNITED NATIONS

I. OFFICE OF THE LEGAL COUNSEL¹⁹⁹

A. *Constitutional matters*

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

(a) *Amendments to the statutes of FAO bodies*

- (i) Amendments to rules of procedure of the Programme Committee. During its thirty-eighth session (12-22 May 1980), the Committee, acting in accordance with rule XXVI.7(d) of the General Rules of the Organization, amended rule VI of its rules of procedure to permit full reimbursement of travel costs properly incurred by representatives of members of the Programme Committee.²⁰⁰
- (ii) Amendments to rules of procedure of the Finance Committee. During its forty-fifth session (19-30 March 1980), the Finance Committee, with respect to rule VI of its rules of procedure, adopted the same amendments as the Programme Committee (see (i) above).²⁰¹
- (iii) Abolition of the technical working party on coconut production, protection and processing. During its thirty-ninth session (8-18 September 1980), the Programme Committee decided to recommend to the Council that the Technical Working Party on Coconut Production, Protection and Processing, established under article VI of the FAO Constitution, be discontinued and replaced by a Panel of Experts to be established by the Director-General under article VI.4 of the Constitution.²⁰² During its seventy-eighth session, the Council agreed that the Technical Working Party on Production, Protection and Processing should be replaced by a Panel of Experts.²⁰³
- (iv) Committee on Forest Development in the Tropics — established under article VI.2 of the Constitution. The Committee's Statutes have been amended by the Director-General to bring them into line with the decisions taken at its seventieth session, in 1976, by the FAO Council.²⁰⁴ Moreover, at its fifth session (21-23 May 1980) the Committee adopted rules of procedure submitted by the secretariat.²⁰⁵
- (v) Western Central Atlantic Fishery Commission (WECAF). The Commission, during its third session (18-22 November 1980), decided to establish a Committee for Development and Management of Fisheries in the Lesser Antilles as a subsidiary body of the Commission under paragraph 5 of its statutes.

(b) *Applications for membership*

During its seventy-eighth session, the Council was informed that Equatorial Guinea, Tonga and Zimbabwe had applied for membership in the Organization. Pending a decision by the Conference in 1981 of these applications, the Council, acting in pursuance of rule XXV.11 of the General Rules of the Organization and paragraphs B.1, B.2 and B.5 of the "Statement of Principles on the Granting of Observer Status to Nations", authorized the Director-General to invite these applicants to participate in an observer capacity at appropriate Council meetings, as well as at regional and technical meetings of the Organization of interest to them.²⁰⁶

(c) *Inter-agency agreements and arrangements*

At its seventy-eighth session (24 November-4 December 1980), the Council approved²⁰⁷ the Arabic, Chinese, French and Spanish versions of the Agreement with the International Fund for Agricultural Development (IFAD). The Arabic, French and Spanish versions had been established in consultation between the Secretariats of both Organizations as requested by the Council at its seventy-fifth session.²⁰⁸

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

At its seventy-eighth session, the Council agreed that the 1968 Memorandum of Understanding between FAO and the African Development Bank be terminated by mutual consent and welcomed the fact that the Director-General and the President of the African Development Bank and Fund would soon be in a position to sign a new Memorandum of Understanding.²⁰⁹

(e) *Treaty concluded under article XV of the FAO Constitution*

The Agreement for the establishment on a permanent basis of the Inter-American Forest Research and Training Institute,²¹⁰ which came into force on 16 November 1960, was denounced by the Government of the Republic of Venezuela on 20 February 1980. Pursuant to article XXI, paragraph 1(a) of the Agreement, this denunciation entailed the termination of the said Agreement on 29 August 1980.

(f) *Treaties concluded outside the Organization*

An Agreement for the Establishment of a Centre on Integrated Rural Development for Africa (CIRDAfrica), adopted at a Government Consultation convened by FAO in 1979, entered into force on 16 April 1980.

(g) *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 February 1980. The indicative price range of East Africa UG sisal was raised but the export quotas remained suspended. Since the prices of abaca in early 1980 were well above the ceiling set by the Group, it decided in February 1980 to suspend temporarily the trigger mechanism for automatic consultation provided for under the informal price arrangement.

— The Intergovernmental Group on Rice adopted in March 1980 an Informal and Voluntary Framework for International Consultations on Rice, which includes the revised and strengthened Guidelines on National and International Action on Rice. It has the objective of achieving a balanced situation in production, consumption and trade in rice and ensuring orderly trading, taking into account the interests of developing countries.

— The Intergovernmental Group on Oilseeds, Oils and Fats adopted in April 1980 Guidelines for International Co-operation in the oilseeds, oils and oilmeal sector, with the main aim of harmonizing national policies in the light of agreed objectives for world oilseeds, oils and oilmeals economy.

— FAO provided advice to the Inland Transport Committee of the Economic Commission for Europe (ECE) in the preparation of the draft International Convention on Harmonization of Controls at Frontiers.

B. *Law of the sea and international fisheries*

Indo-Pacific Fishery Commission

At its nineteenth session (21-30 May 1980), the Indo-Pacific Fishery Commission (IPFC) endorsed the recommendation made by its Executive Committee and by the Co-ordinating Committee for the South China Sea Fisheries Development and Co-ordinating Programme and decided to establish, in accordance with the provisions of article III(2) and (4) of the 1948 Agreement and with the provisions of rule IX(2) of its rules of procedure, a Committee for the Development and Management of Fisheries in the South China Sea.

The Commission agreed that the Committee would have in its geographic area of competence the same functions and responsibilities with respect to fishery development and management as those assigned to the Commission in the Indo-Pacific area by article IV of the 1948 Agreement as amended.²¹¹ It was pointed out that the functions of the Committee would not affect those already entrusted to the Special Committee on Management of Indo-Pacific Tuna set up by the Commission in 1970.

Western Central Atlantic Fishery Commission

At its third session (18-22 November 1980), the Western Central Atlantic Fishery Commission (WECAF) decided to establish a Committee for the Development and Management of Fisheries

in the Lesser Antilles as a subsidiary body of the Commission. The function of the Committee is to exercise the functions of the present Commission assigned to it under paragraph 2 of its Statutes with respect to fisheries development and management within the area of the Lesser Antilles. The Committee will carry out these functions on behalf of the Commission and report to it. The Committee will also act as a steering committee for a technical assistance project to be established and attached to it as a technical support unit.²¹²

C. *Environment law*

In 1980, the FAO assistance to Governments also related to international and national environment law, including advice on marine environment protection legislation (Trinidad and Tobago). In this latter sphere FAO strengthened its co-operation with the United Nations Environment Programme (UNEP), especially on the sub-programmes for the West and Central African region, for the Wider Caribbean region and for the Mediterranean Sea. It completed the preparatory legal work for the preparation of a protocol on Mediterranean protected areas. It hosted the system-wide joint programming meeting on environmental law convened by UNEP and became actively involved in the preparations for the senior level meeting on environment law called for by the UNEP Governing Council and to be held in 1981. Progress has been made on research on the legal aspects of the assessment of the environmental impact of and for agricultural development.

FAO actively participated in the Seminar on Environmental Legislation for Africa organized by UNEP and ECA (Addis Ababa, September 1980).

II. LEGISLATION BRANCH²¹³

(a) *Activities connected with international meetings*

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

— Third International Congress of the European Food Law Association (Madrid, Spain, 23-24 October 1980): on the penal and/or administrative liability of food producers, importers and distributors.

— Meeting convened by the German Nutritional Biology Association (Munich, Federal Republic of Germany, 6-7 July 1980): on the further international development of food control towards the attainment of a healthy nutrition.

— Council of Europe, European workshop on legal aspects/teaching module on water resources, (Rome, Italy, 1-4 September 1980).²¹⁴

— FAO/WECAF/Norway Seminar on the Changing Law of the Sea and the fisheries of the Western Central Atlantic (14-17 November 1980, Havana).

— Indian Ocean training workshop on joint ventures and other commercial arrangements in fisheries, Colombo, Sri Lanka (21 January-1 February 1980), sponsored by FAO/IOP/UNCTC/ESCAP.

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

During the course of 1980 legislative assistance was given in various countries on the following matters:

(i) *Fisheries legislation*

Cayman Islands, Comoros, Guinea, Kiribati, Liberia, Madagascar, Maldives, Mauritania, Oman, S. Lucia, Sierra Leone, Solomon Islands, Somalia, Sri Lanka, United Republic of Tanzania (Zanzibar), Trinidad and Tobago;

(ii) *Land reform legislation*

El Salvador, Guyana;

(iii) *Soil conservation legislation*

Morocco;

- (iv) *Forestry legislation*
Mozambique, Sierra Leone;
- (v) *Water resources legislation — Water policy law and administration*
Nigeria, United Arab Emirates;
- (vi) *Agricultural credit organic law*
Venezuela.

Assistance was also given to the Permanent Inter-State Committee for Drought Control in the Sahelian Zone (CILSS), on legal and institutional aspects relating to the establishment of regional grain stocks in the member countries, and to the Conference of the Ministers of Agriculture of the Gulf and the Arabian Peninsula, on harmonization of Fisheries Legislation.

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

Assistance and advice were provided on various subjects, such as: veterinary legislation (Laos); seed legislation (Benin, Bolivia, Guinea and Peru); animal production and health (Equatorial Guinea); meat import regulations (Somalia); plant protection legislation (Dominican Republic and Gabon); fisheries legislation (Brazil); wildlife legislation (Saudi Arabia).

(d) *Legislative research and publications*²¹⁵

Research was conducted, *inter alia*, on phytosanitary legal restrictions on wood imports; legal aspects of the labelling of irradiated foodstuffs; legislation on food for infants and small children; legal prohibitions on hazardous chemicals; legislation on open-air markets; salt iodization legislation; legislation on coastal State requirements for foreign fishing; wildlife and national park legislation in Africa; water law in Latin America; crop and livestock insurance; the law of international water resources.

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

FAO publishes, biannually, the *Food and Agriculture Legislation*. Annotated lists of relevant laws and regulations appear regularly in *Land Reform, Land Settlement and Co-operatives*, a biannual FAO publication. Similar lists are also published in the biannual review "*Food and Nutrition*" and *Unasylva* [*An international journal of forestry and forest industries*].

3. UNITED NATIONS EDUCATIONAL, SCIENTIFIC AND CULTURAL ORGANIZATION

1. CONSTITUTIONAL AND PROCEDURAL QUESTIONS

(a) *Membership of the Organization*

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

<i>State</i>	<i>Date of signature</i>	<i>Date of deposit of instrument of acceptance</i>
Botswana	16 January 1980	24 September 1979
Maldives	18 July 1980	15 March 1980
Saint Lucia	6 March 1980	6 March 1980
Sao Tome and Principe .	22 January 1980	22 January 1980
Tonga	29 September 1980	29 September 1980
Zimbabwe	22 September 1980	22 September 1980

Under the terms of the relevant provisions of the Constitution²¹⁶ each of the above-mentioned States became a member of the Organization on the respective date its acceptance took effect.

In the case of Tonga, as it was then not a Member State of the United Nations, Article II(2) of the UNESCO Constitution applied to it. Thus, before Tonga deposited its instrument of acceptance, the General Conference had, following an application received from this State and upon recommendation of the Executive Board, adopted by the required two-thirds majority a resolution admitting Tonga to membership of UNESCO²¹⁷.

(b) *Executive Board*

At its twenty-first session, the General Conference, after having considered three alternative proposals²¹⁸ on the matter, amended Article V, paragraph 1, of the Constitution in order to have membership of the Executive Board increased from forty-five to fifty-one members.²¹⁹

2. INTERNATIONAL REGULATIONS

*Instruments adopted by the General Conference at its twenty-first session*²²⁰

- Recommendation concerning the status of the artist
- Recommendation for the safeguarding and preservation of moving images
- Recommendation concerning the international standardization of statistics on the public financing of cultural activities.

3. INITIAL SPECIAL REPORTS BY MEMBER STATES

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

At its twenty-first session the General Conference, after considering the initial special reports²²¹ submitted by member States on the action taken by them on the Revised Recommendation concerning international competitions in architecture and town planning, the Recommendation for the protection of movable cultural property, the Revised Recommendation concerning the international standardization of educational statistics and the Recommendation concerning the international standardization of statistics on science and technology, adopted by the General Conference at its twentieth session, adopted a General Report²²² embodying its comments on the aforesaid action taken by member States and decided that the General Report would be transmitted to member States, to the United Nations and to National Commissions, in accordance with article 19 of the rules of procedure concerning Recommendations to member States and International Conventions covered by the terms of Article IV, paragraph 4, of the Constitution.

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

The General Conference, at its twenty-first session, reminded member States of their obligation to transmit to it, at least two months before the opening of its twenty-second session, initial special reports on the action taken by them upon the three Recommendations²²³ adopted at its said twenty-first session, and to include in these reports the information on the matters specified in paragraph 4 of resolution 50 adopted at its tenth session.²²⁴

4. HUMAN RIGHTS

(a) *The contribution of UNESCO to the implementation of the International Covenants on Human Rights and of the Optional Protocol to the International Covenant on Civil and Political Rights*²²⁵

At its 109th session the Executive Board of UNESCO had before it a study of the legal, administrative and practical problems involved in the above-mentioned contribution prepared in pursuance of 107 EX/Decision 4.4.1²²⁶ and a report of the Committee on Conventions and Recommendations thereon.²²⁷ After studying these documents the Executive Board:

- (i) Decided to instruct its Committee on Conventions and Recommendations to examine, on the Director-General's initiative, all the questions arising now and in the future which involve UNESCO, with regard to the implementation of the International Covenants on Human Rights and of the Optional Protocol to the International Covenant on Civil and Political Rights, and with particular regard to the preparation of the UNESCO contribution to the implementation of those instruments in accordance with the latter's relevant provisions;

- (ii) Invited the Director-General to communicate to the United Nations his suggestions regarding the guidelines that the Secretary-General is to establish for the States Parties to the International Covenant on Economic, Social and Cultural Rights with reference to Articles 13 to 15 of that Covenant, while ensuring that these suggestions take account of the UNESCO normative instruments and of the Organization's experience in collecting information on the implementation of the human rights that fall within its sphere of competence;
 - (iii) Instructed the Committee on Conventions and Recommendations to prepare, pursuant to article 18 of the International Covenant on Economic, Social and Cultural Rights, a report on progress made in the enforcement of the human rights that fall within the context of the Organization's activities, including, *inter alia*, information on the decisions and recommendations adopted by the General Conference and the Executive Board;
 - (iv) Requested the Committee on Conventions and Recommendations to ensure that the procedure laid down in 104 EX/Decision 3.3 continues to be applied as effectively as in the past, while taking into account the importance of full implementation of the Covenants and, hence, of the contribution that UNESCO should make to such implementation.²²⁸
- (b) *Examination of cases and questions concerning the exercise of human rights coming within Unesco's competence*

The Committee on Conventions and Recommendations met in private session at UNESCO headquarters from 21 to 29 April and 25 August to 1 September 1980 in order to examine communications which had been transmitted to it in accordance with decision 104 EX/3.3 of the Executive Board.

At its April session, the Committee examined 55 communications, of which 45 were examined with a view toward their admissibility and 10 were examined on their substance. Of the 45 communications examined as to admissibility, five were declared admissible, the examination of 20 communications was suspended, and seven communications were struck from the list since they were considered as having been settled. The Committee presented its report to the Executive Board at its 109th session.

At its fall session (25 August-1 September), the Committee had before it 35 communications of which 31 were examined as to their admissibility and four as to their substance. Of the 31 communications which were examined as to their admissibility, one was declared admissible, 12 were declared irreceivable, the examination of 17 communications was suspended and five communications were struck from the list since they were considered as having been settled. The Committee presented its report on its examination of these communications to the Executive Board at its 110th session.

5. COPYRIGHT

- (a) *Problems in the field of copyright and so-called neighbouring rights raised by the distribution of television programs by cable*

In pursuance of the decisions of the governing bodies of UNESCO and WIPO as also of the Recommendations of the October 1979 sessions of the Intergovernmental Copyright Committee of the Universal Copyright Convention and the Executive Committee of the Berne Union, a "Group of Independent Experts on the Impact of Cable Television in the Sphere of Copyright" convened jointly by the Directors General of UNESCO and WIPO met at Geneva from 10-13 March 1980. The Group of Experts adopted a statement comprising certain principles covering (i) copyright; (ii) neighbouring rights: (a) performers; (b) producers of phonograms; and (c) broadcasting organizations, and also recommended that the competent secretariats should prepare draft provisions implementing those principles which, accompanied by detailed explanations, should be submitted for the consideration of Intergovernmental Committees of the Berne, Universal and Rome Conventions, respectively. (Document: UNESCO/WIPO/IGE/CTV/9.)

(b) *Legal problems arising from the use of computers for access to or the creation of works*

Convened jointly by the Directors General of UNESCO and WIPO, a "Committee of Governmental Experts on Copyright Problems Arising from the Use of Computers for Access to or the Creation of Works" met at UNESCO House, Paris, from 15 to 19 December 1980 to analyse further, on the basis of the report of a 1979 Working Group, the impact of computer storage and retrieval of work protected by copyright and the possible need for express recognitions of copyright protection of works created with the help of computers, and to formulate tentative recommendations applicable at national and international levels.

As it was not possible for the above Committee to formulate the preliminary detailed recommendations intended for national legislators, this task was entrusted to the secretariats of UNESCO and WIPO who are to prepare them in consultation with the Chairman, the two Vice-Chairmen and the Rapporteur of the Committee and to send the draft for comments to member States and international organizations concerned. On the basis of those comments, the secretariats will revise the preliminary text and submit it for the consideration of the second Committee of Governmental Experts foreseen in 1982 in order to draw up recommendations. (Document: UNESCO/WIPO/CEGO/I/7.)

(c) *Protection of folklore*

So far as the copyright aspects of the question are concerned, the secretariats of UNESCO and the International Bureau of WIPO jointly convened the "Working Group on the Intellectual Property Aspects of Folklore Protection" which met at Geneva from 7 to 9 January 1980. It studied a draft of Model Provisions intended for national legislation as well as international measures for the protection of works of folklore. As desired by the Working Group, the secretariats of UNESCO and WIPO prepared a revised draft of the said Model Provisions and Commentary thereon which was submitted for consideration by the same Working Group at its second meeting, held in Paris from 9 to 13 February 1981. In conclusion, the Working Group adopted the "Model Provisions for National Laws on the Protection of Expressions of Folklore" and expressed the opinion that the new version of the above-mentioned Commentary to be prepared by the two secretariats on the Model Provisions as adopted should reflect the observations and suggestions made by the experts in the course of the meeting. (Document: UNESCO/WIPO/WG.II/FOLK/4.)

4. INTERNATIONAL CIVIL AVIATION ORGANIZATION

1. PANEL OF EXPERTS ON THE LEGAL STATUS OF THE AIRCRAFT COMMANDER

A Panel of Experts on the Legal Status of the Aircraft Commander met at Montreal from 9 to 22 April 1980, (a) to study the "Legal Status of the Aircraft Commander" on the basis of a study prepared by the Secretariat 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, required a solution; and (c) to suggest any specific solutions for further consideration by the appropriate bodies of ICAO. The Council, on 16 June 1980, noted the report of the Panel of Experts and decided to submit the report to the Legal and Technical Commissions of the Assembly which would decide, within their respective expertise, on the further course of action to give to the item "Legal Status of the Aircraft Commander".

2. GENERAL WORK PROGRAMME OF THE LEGAL COMMITTEE

During the 23rd session of the Assembly, held at Montreal from 16 September to 7 October 1980, the Legal Commission had for consideration the General Work Programme of the Legal Committee established by the Legal Committee at its 24th Session in May 1979 and approved by the Council in June 1979. The Commission, after examination of the items listed in Parts A and B of the General Work Programme, agreed that the General Work Programme of the Legal Committee should include the following items:

- Part A:* (a) Legal Status of the Aircraft Commander
(b) Liability of Air Traffic Control Agencies
(c) Aerial Collisions
(d) Study of the Status of the Instruments of the "Warsaw System".

Part B: Problem of Liability for Damage caused by Noise and Sonic Boom.

The Assembly adopted this Work Programme and, having regard to the anticipated development and requirements of International Civil Aviation in the 1980s, requested the Council to dispatch questionnaires to States on problems affecting items in Part A of the Programme and to propose, not later than June 1981, a revised General Work Programme of the Legal Committee reflecting the needs of International Civil Aviation in the 1980s.

3. UNLAWFUL INTERFERENCE WITH INTERNATIONAL CIVIL AVIATION AND ITS FACILITIES

The Committee on Unlawful Interference with International Civil Aviation and its Facilities held four meetings during the year. The Committee re-examined proposals for the amendment of specifications in annex 17 (Security - Safeguarding International Civil Aviation against Acts of Unlawful Interference) in the light of comments made by the Council, and agreed on a revised text which it presented to the Council as amendment 4 to annex 17. Since the proposed text introduced a new element in chapter 6 of annex 17, namely the subject of Lease, Charter and Interchange of Aircraft in International Operations, the Council, upon the recommendation of the Committee, on 5 December 1980, requested the Secretary-General to obtain the views and comments of the Contracting States and interested International Organizations on the proposed amendment to chapter 6 of annex 17 before further proceeding with the adoption of amendment 4 to annex 17.

4. AMENDMENT TO THE CHICAGO CONVENTION 1944²²⁹

The 23rd session of the Assembly adopted a new article 83 *bis* on Lease, Charter and Interchange of Aircraft in International Operations, as an amendment to the Chicago Convention.

5. WORLD BANK

(a) INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT, INTERNATIONAL DEVELOPMENT ASSOCIATION (IDA), INTERNATIONAL FINANCE CORPORATION (IFC)

1. *Change in the representation of China*

On 15 May 1980, the Executive Directors of the Bank and IDA and the Board of Directors of IFC decided that the Government of the People's Republic of China (PRC) would represent China in the Bank, IDA and IFC and exercise the rights and meet the obligations of China in these organizations. In doing so, the Directors took into consideration, *inter alia*, a notification to the organizations in which the Chinese authorities stated that the Government of the PRC, being the sole legitimate government of China, was the only Government that could represent China in the Bank, IDA and IFC and that, when the organizations had taken the necessary measures in keeping with the spirit of this notification, the Government of the PRC would appoint a Governor to represent China in all their activities and would exercise its rights and meet its obligations under their respective Articles of Agreement. Subsequently, China increased its share of the capital stock of the Bank from 7,500 shares to 12,000 shares and participated in the election of Executive Directors held in the course of the 1980 Annual Meetings of the Boards of Governors.

In July 1980, the Executive Directors of the Bank and IDA decided that supplies and contractors on Taiwan could continue to compete for the provision of goods and services financed by the Bank and IDA under the Bank's and IDA's procurement policy. Loans and credits to Taiwan and loans guaranteed by Taiwan continue to be serviced by the borrowers under their respective agreements.

2. *Establishment of the World Bank Administrative Tribunal*

On 30 April 1980, the Boards of Governors of the Bank, IDA and IFC adopted resolutions by which they accepted the report of the Executive Directors of these organizations on the establishment of the World Bank Administrative Tribunal and adopted its statute. The Executive Directors of the Bank appointed the following persons to serve on the Tribunal: Ahmad Kamal ABUL-MAGD (Egypt), Taslim Olawale ELIAS (Nigeria), Robert GORMAN (United States), Eduardo JIMENEZ de ARECHAGA (Uruguay), N. KUMARAYYA (India), Elihu LAUTERPACHT (United Kingdom) and Prosper WEIL (France). The report of the Executive Directors, the resolution of the Board of Governors of the Bank and the statute of the Tribunal are set forth below:

REPORT OF THE EXECUTIVE DIRECTORS OF THE BANK ON THE PROPOSED ADMINISTRATIVE TRIBUNAL

1. The Executive Directors have approved the draft Statute attached hereto to create a World Bank Administrative Tribunal for the members of the staff of the Bank, the Association and the Corporation, and have authorized the submission of such draft Statute to the Board of Governors. The Tribunal would be judicial in nature and would be competent under the Statute to hear and pass judgment upon an application by which a member of the staff alleges non-observance of the contract of employment or terms of appointment.

2. The intent of creating the Tribunal is to afford a member of the staff judicial recourse against an action of the institution which is alleged to violate the legal rights of the staff member. It is intended that this recourse be exclusive in nature.

3. In connection with the scope of the Tribunal's jurisdiction, it should be noted that the legislative history of the corresponding provision in the United Nations Administrative Tribunal shows that the intent of such language is that the Tribunal has to respect the authority of the Board of Governors or the Executive Directors to make such alterations and adjustments in the staff rules and regulations as circumstances might require.

Thus, when the General Assembly was considering, at its 4th session in 1949, the establishment of the UN Administrative Tribunal, the United States proposed an addition to Article 2 of the draft Statute whereby "Nothing in this Statute shall be construed in any way as a limitation on the authority of the General Assembly or of the Secretary-General acting on instruction of the General Assembly to alter at any time the rules and regulations of the Organization including, but not limited to, the authority to reduce salaries, allowances and other benefits to which staff members may have been entitled" (A/C.5/1.4/Rev. 2, reproduced in G.A.O.R., 4th sess., 5th Committee, Annexes, a.i. 44, p. 165). This amendment was eventually withdrawn, on the ground that on the basis of the debate it appeared that Article 2(1) of the draft Statute was considered "broad enough to give sufficient scope to the General Assembly, and to the Secretary-General acting on its behalf, to carry out the necessary functions of the United Nations, in spite of the fact that such action might require changes and reductions in the existing benefits granted to the staff" (A/C.5/SR. 214, para. 40; see also paras. 25, 37 and 41). This interpretation was reflected in the Fifth Committee's report to the plenary as follows:

"(b) That the tribunal would have to respect the authority of the General Assembly to make such alterations and adjustments in the staff regulations as circumstances might require. It was understood that the tribunal would bear in mind the General Assembly's intent not to allow the creation of any such acquired rights as would frustrate measures which the Assembly considered necessary. It was understood also that the Secretary-General would retain freedom to adjust per diem rates as a result, for example, of currency devaluations or for other valid reasons.

"No objection was voiced in the Committee to those interpretations, subject to the representative of Belgium expressing the view that the text of the statute would be authoritative and that it would be for the tribunal to make its own interpretations" (A/1127, para. 9, reproduced in G.A.O.R., 4th sess., Plenary, Annexes, a.i. 44, p. 167 at p. 168)."

The Executive Directors have endorsed this interpretation in their approach to the World Bank Administrative Tribunal.

The World Bank Administrative Tribunal will be established and will function within the framework and rules set out in the Articles of Agreement of the Bank. The Tribunal will therefore have to respect the authority of the Board of Governors and the powers which the Board of Governors have delegated to the Executive Directors, in the same sense as indicated above with regard to the competence of the United Nations Administrative Tribunal.

4. The Executive Directors recommend the adoption by the Board of Governors of the following Resolution:

Resolved:

That, the Board of Governors:

(a) accepts the report of the Executive Directors on the establishment of the World Bank Administrative Tribunal; and

(b) adopts the Statute of such Administrative Tribunal.

Statute of the Administrative Tribunal of the International Bank for Reconstruction and Development, International Development Association and International Finance Corporation

Article I

There is hereby established a Tribunal of the International Bank for Reconstruction and Development (hereinafter referred to individually as the “Bank”), the International Development Association and the International Finance Corporation (together with the Bank hereinafter referred to collectively as the “Bank Group”) to be known as the World Bank Administrative Tribunal.

Article II

1. The Tribunal shall hear and pass judgment upon any application by which a member of the staff of the Bank Group alleges non-observance of the contract of employment or terms of appointment of such staff member. The words “contract of employment” and “terms of appointment” include all pertinent regulations and rules in force at the time of alleged non-observance including the provisions of the Staff Retirement Plan.

2. No such application shall be admissible, except under exceptional circumstances as decided by the Tribunal, unless:

(i) the applicant has exhausted all other remedies available within the Bank Group, except if the applicant and the respondent institution have agreed to submit the application directly to the Tribunal; and

(ii) the application is filed within ninety days after the latest of the following:

(a) the occurrence of the event giving rise to the application;

(b) receipt of notice, after the applicant has exhausted all other remedies available within the Bank Group, that the relief asked for or recommended will not be granted; or

(c) receipt of notice that the relief asked for or recommended will be granted, if such relief shall not have been granted within thirty days after receipt of such notice.

3. For the purposes of this Statute: the expression of “member of the staff” means any current or former member of the staff of the Bank Group, any person who is entitled to claim upon a right of a member of the staff as a personal representative or by reason of the staff member’s death, and any person designated or otherwise entitled to receive a payment under any provision of the Staff Retirement Plan.

Article III

In the event of a dispute as to whether the Tribunal has competence, the matter shall be settled by the Tribunal.

Article IV

1. The Tribunal shall be composed of seven members, all of whom shall be nationals of Member States of the Bank, but no two of whom shall be nationals of the same State. The members of the Tribunal shall be persons of high moral character and must possess the qualifications required for appointment to high judicial office or be jurisconsults of recognized competence.

2. The members of the Tribunal shall be appointed by the Executive Directors of the Bank from a list of candidates to be drawn up by the President of the Bank after appropriate consultation.

3. The members of the Tribunal shall be appointed for a period of three years; they may be reappointed. However, of the seven members initially appointed, the terms of three members shall expire at the end of two years. The names of those members shall be chosen by lot by the President of the Bank immediately after the first appointments have been completed.

4. A member appointed to replace a member whose term of office has not expired shall hold office for the remainder of his predecessor's term.

5. The members of the Tribunal shall hold office until replaced.

Article V

1. A quorum of five members shall suffice to constitute the Tribunal.

2. The Tribunal may, however, at any time form a panel of not less than three of its members for dealing with a particular case or group of cases. Decisions of such a panel shall be deemed to be taken by the Tribunal.

Article VI

1. The Tribunal shall elect a President and two Vice-Presidents from among its members.

2. The President of the Bank shall make the administrative arrangements necessary for the functioning of the Tribunal, including designating an Executive Secretary who, in the discharge of duties, shall be responsible only to the Tribunal.

3. The expenses of the Tribunal shall be borne by the Bank Group.

Article VII

1. Subject to the provisions of the present Statute, the Tribunal shall establish its rules.

2. The rules shall include provisions concerning:

(a) election of the President and Vice-Presidents;

(b) constitution of panels envisaged in Article V above;

(c) presentation of applications and the procedure to be followed in respect of them;

(d) intervention by persons to whom the Tribunal is open under paragraph 3 of Article II, whose rights may be affected by the judgment;

(e) hearing, for purposes of information, of persons to whom the Tribunal is open under paragraph 3 of Article II; and

(f) other matters relating to the functioning of the Tribunal.

Article VIII

1. The Tribunal shall hold sessions at dates to be fixed in accordance with its rules.

2. The Tribunal shall hold its sessions at the principal office of the Bank, unless it considers that the efficient conduct of the proceedings upon an application necessitates holding sessions elsewhere.

Article IX

The Tribunal shall decide in each case whether oral proceedings are warranted. Oral proceedings shall be held in public, unless the Tribunal decides that exceptional circumstances require that they be held in private.

Article X

1. The Tribunal shall take all its decisions by a majority of the members present.
2. In the event of an equality of votes, the President or the member who acts in such place shall have a casting vote.

Article XI

1. Judgments shall be final and without appeal.
2. Each judgment shall state the reasons on which it is based.

Article XII

1. If the Tribunal finds that the application is well-founded, it shall order the rescission of the decision contested or the specific performance of the obligation invoked. At the same time the Tribunal shall fix the amount of compensation to be paid to the applicant for the injury sustained should the President of the respondent institution, within thirty days of the notification of the judgment, decide, in the interest of such respondent, that the applicant shall be compensated without further action being taken in the case; provided that such compensation shall not exceed the equivalent of three years' net pay of the applicant. The Tribunal may, however, in exceptional cases, when it considers it justified, order the payment of a higher compensation. A statement of the specific reason for such an order shall be made.

2. Should the Tribunal find that the procedure prescribed in the rules of the respondent institution has not been observed, it may, at the request of the President of such respondent and prior to the determination of the merits, order the case remanded for institution or correction of the required procedure.

3. In all applicable cases, compensation fixed by the Tribunal shall be paid by the respondent institution.

4. The filing of an application shall not have the effect of suspending execution of the decision contested.

Article XIII

1. A party to a case in which a judgment has been delivered may, in the event of the discovery of a fact which by its nature might have had a decisive influence on the judgment of the Tribunal and which at the time the judgment was delivered was unknown both to the Tribunal and to that party, request the Tribunal, within a period of six months after that party acquired knowledge of such fact, to revise the judgment.

2. The request shall contain the information necessary to show that the conditions laid down in paragraph 1 of this Article have been complied with. It shall be accompanied by the original or a copy of all supporting documents.

Article XIV

The original copy of each judgment shall be filed in the archives of the Bank. A copy of the judgment shall be delivered to each of the parties concerned. Copies shall also be made available on request to interested persons.

Article XV

The Bank may make agreements with any other international organization for the submission of applications of members of their staff to the Tribunal. Each such agreement shall provide that

the organization concerned shall be bound by the judgments of the Tribunal and be responsible for the payment of any compensation awarded by the Tribunal in respect of a staff member of that organization; the agreement shall also include, *inter alia*, provisions concerning the organization's participation in the administrative arrangements for the functioning of the Tribunal and concerning its sharing of the expenses of the Tribunal.

Article XVI

The present Statute may be amended by the Board of Governors of the Bank.

Article XVII

Notwithstanding Article II, paragraph 2 of the present Statute, the Tribunal shall be competent to hear any application concerning a cause of complaint which arose subsequent to January 1, 1979, provided, however, that the application is filed within 90 days after the entry into force of the present Statute.

(b) INTERNATIONAL CENTRE FOR THE SETTLEMENT OF INVESTMENT DISPUTES

1. Signatures and ratifications²³⁰

During 1980 Israel signed the Convention and Bangladesh, New Zealand and Saudi Arabia deposited instruments of ratification.²³¹

At its fourteenth annual meeting on 2 October 1980 the Administrative Council considered a communication received from the People's Republic of China, decided that the Republic of China be removed from the list of Contracting States and noted that, pending study by the Government of the possibility of becoming a party to the Convention, China is not a Contracting State.

2. Election of Secretary-General

The term of office of Mr. A. Broches expired at the close of the fourteenth annual meeting of the Administrative Council. Mr. Broches had held this post since the inauguration of the Centre on 2 February 1967. Mr. Robert S. McNamara designated him, effective 3 October 1980, as a member of the Centre's Panel of Arbitrators.

On the nomination of Mr. McNamara, the Administrative Council unanimously elected Mr. H. Golsong, Vice President and General Counsel of the World Bank, as Secretary-General of the Centre.

3. Disputes submitted to the Centre

During 1980 two arbitration cases, *Société Ltd. Benvenuti & Bonfant srl v. Government of the People's Republic of the Congo* and *Guadalupe Gas Products Corporation v. The Federal Military Government of Nigeria*, were terminated by unanimous awards rendered by the Arbitral Tribunals. In the Guadalupe case the award embodied the parties' settlement agreement.

6. INTERNATIONAL MONETARY FUND

MEMBERSHIP, QUOTAS AND PARTICIPATION IN THE SPECIAL DRAWING RIGHTS DEPARTMENT

With the admission of Zimbabwe in 1980, membership in the Fund increased to 141 countries. All members are participants in the Special Drawing Rights Department. The increases proposed under the Seventh General Review of Quotas came into effect in December 1980 and raised the regular resources of the Fund from SDR 39 billion to SDR 60 billion. The overall increase in Fund quotas included a special quota adjustment requested by the People's Republic of China following a decision of the Executive Board on 17 April 1980 that the People's Republic of China represented China in the Fund.

SPECIAL DRAWING RIGHTS

A number of decisions were taken by the Executive Board in 1980 to further improve the characteristics of the SDR as an international reserve asset.

Since 1974, the SDR valuation basket had comprised 16 currencies. On 17 September 1980, the Executive Board decided that, effective 1 January 1981, the currency baskets that determine both the value of and the interest rate on the SDR would be unified, the basket to be composed of the currencies of the five members having the largest exports of goods and services during the period 1975 — U.S. dollar, Deutsche mark, French franc, Japanese yen and pound sterling — the amount of each currency in the basket reflects its relative importance in international trade payments. The exchange rates for all of the currencies used to calculate the value of the SDR will be obtained from the London Market.

The SDR, which is the unit of account for Fund transactions, has gained acceptance as a unit of account for private contracts and international treaties, and is also used by other international and regional organizations. The reduction in the number of currencies in the SDR valuation basket and determination of the value using rates obtained in a single market is expected to enhance the usefulness of the SDR as a unit of account in financial markets and international transactions and to increase the issue of private financial obligations denominated in SDRs.

In addition to its role as a unit of account, the SDR also functions as a currency peg. When a member pegs its currency to the SDR, the value of its currency is fixed in terms of the SDR and then is set in terms of other currencies by reference to the SDR value of the other currencies as calculated and published by the Fund. At end 1980, some 15 member countries were pegging their currencies to the SDR.

Under its Articles of Agreement, the Fund has the authority to extend the range of official holders of SDRs beyond its member countries and the Fund's General Resources Account. In a decision taken in April, 1980, the Fund decided to establish arrangements allowing official entities to hold SDRs and to accept and use them in transactions and operations with participants and other holders, on terms and conditions prescribed by the Fund. This decision complemented the decisions that had already been taken to permit additional uses of SDRs by agreement between participants. The extension of the use of SDRs represented further progress in the evolution of the SDR as a means of payment and a vehicle for investment and helped to make the SDR more comparable with reserve currencies. "Other holders" have the same degree of freedom as Fund members to buy and sell SDRs, to use SDRs in swaps, or to use or receive SDRs in donations (grants). They cannot, however, receive allocations of SDRs nor use SDRs in transactions with designation, that is, transactions in which the recipient is subject to a requirement of receiving them.

The use of SDRs in operations was expanded to include the use in donations under a decision taken by the Fund in March 1980 as a further step in the Fund's policy of enhancing the role of the SDR as an international reserve asset.

An allocation of SDR 4,053 million, made as of 1 January 1981, was the final allocation in the third basic period, which ends on 31 December 1981. The amount allocated to each participant was equal to 6.8 per cent of the participant's quota in the Fund on 31 December 1980.

CONSULTATIONS

Under Article IV, Section 3, of the Articles of Agreement, the Fund has been charged with the responsibility of overseeing the international monetary system in order to ensure its effective operation and exercising firm surveillance over the exchange rate policies of members.

An Executive Board Decision taken on 29 April 1977 approved a document entitled *Surveillance over Exchange Rate Policies*²³² setting out the principles and procedures for surveillance by the Fund as provided in Article IV of the Articles of Agreement, and for regular consultations by members with the Fund. The document provided for an annual review of the general implementation of the Fund's surveillance over member's exchange rate policies and for regular consultations under Article IV. It was decided that the Fund would continue to apply existing procedures.

SUBSIDY ACCOUNTS AND SUPPLEMENTARY FINANCING FACILITY

The supplementary financing facility was established in 1977 to enable the Fund to provide supplementary financing under stand-by or extended arrangements, 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. To provide financing for the facility, which became operative on 23 February 1979, the Fund entered into borrowing agreements with lenders (four members and 10 monetary authorities) for a total amount of SDR 7.8 billion.

On 17 December 1980, the Fund established a subsidy account to reduce the cost of using the supplementary financing facility for its lower income developing members.

BORROWING

The Fund may supplement its ordinary resources from subscriptions to quotas by borrowing. At the end of 1980 the Fund had outstanding borrowing under the General Arrangements to Borrow, and borrowing arrangements to finance the oil facility, and the supplementary financing facility.

The General Arrangements to Borrow (GAB), originally concluded between the Fund and 10 industrial member countries in 1962 for four years, has been extended a number of times, most recently for another period of five years from 24 October 1980. Switzerland's association with the GAB, under a separate agreement of 11 June 1964 with the Fund, was extended in 1980 until 15 July 1985. The use of the GAB is limited to drawings by a participant, and it is activated only to forestall or cope with an impairment of the international monetary system.

Borrowing agreements under the oil facility, established to assist Fund members most seriously affected by oil price increases, were originally entered into by the Fund with 17 lenders, including Switzerland, in 1974 and 1975 for a total amount of SDR 6.9 billion. In November 1980, the Deutsche Bundesbank transferred to the Saudi Arabian Monetary Agency its claims under the oil facility, being the first such transfer made in accordance with a 1978 decision on transferability of oil facility claims. Previous transfers of loan claims on the Fund had been made only among GAB participants.

Under the supplementary financing facility the Fund has also entered into borrowing agreements with 13 member countries and the Swiss National Bank to provide the equivalent of SDR 7.8 billion as supplementary financing. The interest payable by the Fund on its borrowings for the supplementary financing facility is at a rate equal to the average yield for each six-month period starting 1 July 1978 of United States Government securities with a maturity of five years, rounded upward to the nearest 1/8 of 1 per cent. For the six months ending on 31 December 1980, the rate was 11.625 per cent.

ADMINISTERED ACCOUNTS

The Fund administers as a Trustee, in addition to its Staff Retirement Plan, three accounts for member countries, the oil facility subsidy account, the Trust Fund and the supplementary financing facility subsidy account. These administered accounts are independent of the Fund's General Department and the Special Drawing Rights Department.

The Trust Fund was established in 1976 to provide additional balance of payments assistance on concessionary terms to eligible developing member countries that qualified for assistance by carrying out programs of balance of payments adjustments. The resources of the Trust Fund are derived mainly from the profits realized on the sale of 25 million ounces of the Fund's gold over four years for the benefit of developing member countries. The gold sales program was completed with the auction in May 1980, yielding a profit of US\$4.6 billion, of which \$US1.3 billion was paid directly to 104 developing countries on the basis of their share of quotas at 31 August 1975, while the remainder, together with income from investments, income from outstanding loans to members, and other transfers, was available for concessionary lending. In December 1980, the Executive Board decided to terminate the Trust Fund as of 30 April 1981, or the date on which Trust Fund loan disbursements were completed.

As part of the decision terminating the Trust Fund, the Executive Board decided that the equivalent of SDR 750 million from repayments of, and interest on, Trust Fund loans shall be transferred to the supplementary financing facility subsidy account. The account was established on 17 December 1980 and will be administered by the Fund as Trustee. The cost of using the Fund's resources under the supplementary financing facility is related to market interest rates and, therefore, higher than charges on the use of the Fund's ordinary resources. The subsidy account is designed to reduce this cost for low-income developing member countries.

7. WORLD METEOROLOGICAL ORGANIZATION

1. WEATHER MODIFICATION

The Executive Committee of the World Meteorological Organization, during its thirty-second session held in Geneva from 8 to 28 May 1980, considered the text of the "Draft document concerning co-operation between States in weather modification" prepared by the meeting of meteorological and legal experts designated by governments that was held in Geneva in September 1979 under the joint sponsorship of WMO and UNEP. It was informed that the document had already been approved by the Governing Council of UNEP under the title "Provisions for co-operation between States in weather modification". The Executive Committee noted this and welcomed the continuing collaboration with UNEP on consideration of the legal aspects of weather modification, on the understanding that these "provisions" do not constitute legal regulations. It was noted with satisfaction that WMO and UNEP were in full agreement that progress towards codification of the general principles and guidelines embodied in these provisions into legal regulations should not outstrip progress in scientific understanding of this complex problem and that the "provisions" of the document should be regarded only as practices which Members may wish to follow, until the stage is reached where the advancement of the science permits an assessment of the need for legal regulations. The Executive Committee requested the Secretary-General to write to members drawing their attention to the document and to the WMO views as set out by Eighth Congress.

The Executive Committee also noted that, although the WMO/UNEP meeting in September 1979 had not been able to address the question of guidelines for national legislation concerning weather modification, the documents on this aspect prepared for, but not discussed at, the meeting could be circulated to all Members of WMO and UNEP for their information and comment. It thus endorsed the action of the Secretary-General in advising UNEP of the WMO view that the holding of another meeting to consider guidelines for national legislation would not seem appropriate at this time. The Committee felt that it would be desirable first to observe how member States react to these "provisions for co-operation between States in weather modification" and, in the light of their reactions to this document, to consider the possibility of a further meeting at a later date.

2. WORKING ARRANGEMENT

The Executive Committee, during its thirty-second session, took note of the request of the International Fund for Agricultural Development for the establishment of a Working Arrangement with WMO. Having considered the purposes and activities of IFAD, the Committee agreed that it would be in the mutual interests of both organizations to establish a close working relationship. The Committee therefore authorized the Secretary-General to enter into a formal Working Arrangement with the president of IFAD on the basis of a text approved by the session. In this connexion the Committee noted that the Executive Board of IFAD had also approved the formal Working Arrangement with WMO based on the same text.

3. QUESTIONS RELATING TO THE CONVENTION AND THE GENERAL REGULATIONS CONVENTION

The Executive Committee studied the request of Eighth Congress on the question of distribution of seats on the Executive Committee amongst the different Regions.

The Committee agreed that within the limits of Article 13 (c) of the Convention, the criterion of regional distribution of seats on the Executive Committee among the different regional associations may be supplemented by other criteria. However, it was considered that these other criteria are difficult to be defined.

The Committee therefore came to the conclusion that the present system of reaching an agreement within and between the delegations to Congress of Members belonging to different regional associations should continue and that the negotiations, in order to reach a mutually satisfying agreement within the limits of Article 13 (c), should be left to the wisdom of Congress.

The Committee requested the Secretary-General to consult the Members of the Organization on the above-mentioned view of the Committee and to report to the next session of the Committee on the results of this consultation.

General Regulations

The Executive Committee also studied the request of Eighth Congress for the interpretation of the term "designated" given in Regulation 142 of the General Regulations with a view to submitting the results of the study to Ninth Congress.

The Committee considered that the following two alternatives could be considered for the interpretation of the term "designated" in Regulation 142 of the General Regulations:

(a) Election which would require a simple majority for designating an interim member of the Executive Committee. If this interpretation were adopted, Article 16(a) of the Convention might need to be amended to cover the case of elections to be conducted by the Executive Committee. In this connexion the exception made in Article 11(b) of the Convention for elections at Congress was mentioned;

(b) Decisions which require a two-thirds majority. In this case no amendment to the Convention on the General Regulations would be required, but some minor changes would be necessary in the rules of procedure of the Executive Committee.

In case of difficulty in reaching a decision on one of the above-mentioned alternatives, mention was made of the possibility of Congress to elect, in addition to the elected members of the Executive Committee, a list of stand-by members to fill those seats which might become vacant between ordinary sessions of Congress. In such a case, it was considered that amendments to the Convention and General Regulations would be required.

The Committee requested the Secretary-General to study amendments to the Convention and General Regulations which would be deemed necessary for each of the above-mentioned alternatives, and the consequences thereof, and submit his report to the next session of the Executive Committee so that it may submit its proposals and consequent amendments to Congress.

4. STAFF MATTERS

Amendments to the Staff Rules

Some amendments were made to the Staff Rules applicable to Headquarters staff and to those applicable to Technical Assistance Project Personnel. These amendments are pursuant to the amendments made by the United Nations or have been made to take account of past experience and/or established practices.

Staff Rules applicable to Headquarters staff

These amendments relate to provisions regarding the entitlements to unaccompanied shipments and insurance for personal effects and household goods (Staff Rules 171.19 and 171.20); salary scales for staff in the General Service category (Staff Rule 131.2, Appendix B.1); and adjustments of the pensionable remuneration for staff in the Professional category and above as a result of the movement of the weighted average of post adjustments (Staff Rule 131.1, Appendix A.1).

Staff Rules applicable to Technical Assistance Project Personnel

These amendments relate to provisions regarding the entitlements to unaccompanied shipments and insurance coverage for personal effects and household goods (Staff Rules 207.23 and 207.24)

and adjustments of the pensionable remuneration for project personnel as a result of the movement of the weighted average of post adjustments (Staff Rule 203.1, Appendix I).

5. MEMBERSHIP OF THE ORGANIZATION

The Commonwealth of Dominica, Fiji and Bahrain became Members of the Organization under article 3(b) of the Convention²³³ on 22 March 1980, 17 April 1980 and 21 May 1980 respectively, those dates being the thirtieth day after the respective deposits of the instrument of accession to the Convention.

The total membership of the Organization at the end of 1980 comprised 147 States and five Territories.

8. UNIVERSAL POSTAL UNION

In 1980, the International Bureau finalized, published and circulated to the Governments of member countries, through the diplomatic channel, the decisions of the eighteenth Congress of the Universal Postal Union, held at Rio de Janeiro at the end of 1979. It also published these decisions in various forms for postal administrations. In this connexion, special mention should be made of the four fascicles of the Annotated Code, a publication containing the Acts of the Congress of Rio de Janeiro, annotated by the International Bureau to clarify the scope, evolution or application of a number of provisions, *inter alia*, by taking into account the decisions made within UPU bodies.

In addition, UPU continued the studies of the legal and administrative problems which the Congress had entrusted to the Executive Council (EC) or which the Council had undertaken on its own initiative. The most important problems of interest to other organizations are dealt with, in particular, in the studies concerning:

ORGANIZATION, FUNCTIONING AND WORKING METHODS OF THE CONGRESS

The purpose of this study is to examine ways of improving the organization and functioning of the Union's highest body and, if possible, to shorten the duration of its sessions. The document which the International Bureau prepared on this subject contains an entire series of short- and long-term measures; some of these measures will need to be submitted to the next Congress at Hamburg in 1984 because, if adopted, they would modify some of the powers and amend several of the basic Acts of the Union.

ORGANIZATION, FUNCTIONING AND WORKING METHODS OF THE EXECUTIVE COUNCIL (EC) AND DELIMITATION OF POWERS BETWEEN EC AND THE CONSULTATIVE COUNCIL FOR POSTAL STUDIES (CCPS)

In this case, the main task is to review the powers of the Executive Council so as to redefine them in accordance with the practices that have developed since this body was established in 1948, perhaps to expand them in order, if possible, to lighten the work-load of the Congress and, lastly, to delimit clearly the powers of EC and CCPS in connexion with the studies entrusted to the two bodies.

ELIMINATION OF THE SUPERVISORY AUTHORITY

For more than a century, the Swiss Confederation had exercised certain administrative functions within UPU in connexion with the organization's staff and finances.

Since the establishment of the Executive Council in 1948, these functions have gradually been taken over from Switzerland. The final step was made in that direction at the eighteenth Congress, when the Union became self-financing. The Executive Council is now studying the legal and practical consequences of this type of self-management so as to bring the existing regulations into line with the new situation. In a parallel effort, the Council studied the advantages of changing the existing practice concerning the admission procedure and the depositing of the Acts; it decided to maintain the *status quo*.

JURISDICTION OF THE UNION

The Executive Council is also studying the advantages of deleting from the UPU Constitution a provision whereby post offices established by member countries in territories not included in the Union may come under the Union's jurisdiction.

QUORUM REQUIRED TO AMEND THE CONSTITUTION

Since any amendment of the Constitution requires the approval of two thirds of the member countries of the Union, UPU is examining the possibility of introducing a provision which would require the presence of a number of delegations at least equal to this majority before any vote may be taken on amendments to this Act.

9. INTER-GOVERNMENTAL MARITIME CONSULTATIVE ORGANIZATION

1. MEMBERSHIP OF THE ORGANIZATION

In 1980, the following countries became members of the Inter-Governmental Maritime Consultative Organization: United Arab Emirates (4 March), Benin (19 March), Saint Lucia (10 April), Guyana (13 May) and Democratic Yemen (2 June). At 31 December 1980, the number of members of IMCO was 118. There is also one Associate Member.

2. CHANGES IN STATUS OF IMCO CONVENTIONS

The International Convention for the Safety of Life at Sea, done at London on 1 November 1974, entered into force on 25 May 1980, in accordance with its Article X.

The requirements for the entry into force of the International Convention on Tonnage Measurement of Ships, 1969, were fulfilled on 18 July 1980. The Convention will enter into force on 18 July 1982, in accordance with its Article 17.

The requirements for the entry into force of the Protocol of 1978 relating to the International Convention for the Safety of Life at Sea, 1974, were fulfilled on 31 October 1980. The Protocol will enter into force on 1 May 1981, in accordance with its Article V.

3. LEGAL ACTIVITIES

The Legal Committee of IMCO continued its work on the preparation of a draft convention on liability and compensation in connexion with the carriage of noxious and hazardous substances by sea. It is expected that the draft prepared by the Committee will be submitted to a diplomatic conference in 1982.

The Committee gave further consideration to a set of draft articles for a protocol to extend the 1969 Civil Liability Convention for Oil Pollution Damage to oils²³⁴ not covered by that Convention. There is the possibility that the draft articles finally approved by the Legal Committee will be submitted to the diplomatic conference in 1982.

In compliance with a request of the Legal Committee, the Secretariats of IMCO and the International Oil Pollution Compensation Fund prepared and submitted to the Committee a "Study on Some Legal Issues which may arise from the Increase of the Limits of Liability and Compensation in the 1969 Civil Liability Convention and the 1971 Fund Convention" (document LEG XLIV/4). The Legal Committee examined the Study and considered the means by which the Committee could proceed with its work on this question with a view, if possible, to reaching conclusions which might be submitted for consideration at a diplomatic conference.

At its eleventh regular session the IMCO Assembly requested the Council to provide for a study of "the question of barratry, the unlawful seizure of ships and their cargoes and other forms of maritime fraud with a view to making recommendations as to the action which IMCO should take in the matter". Pursuant to the request of the Assembly, the Council decided to establish an

Ad Hoc Working Group on the subject. The *Ad Hoc* Working Group met in Paris on 24 and 25 November 1980 at the invitation of the International Chamber of Commerce (ICC). The Working Group has recommended a resolution on the subject which will be considered by the Council on June 1981 and eventually by the Assembly on November 1981 (document WGMF/4).

10. INTERNATIONAL ATOMIC ENERGY AGENCY

INTERNATIONAL SPENT FUEL MANAGEMENT

1. The Expert Group on Spent Fuel Management, which continued the examination of possibilities for international co-operation in spent fuel management, held meetings in July and December 1980. It improved the data base concerning spent fuel arisings and spent fuel storage capability. Also, it developed information on spent fuel storage and transport technology and on costs of spent fuel management and guidelines and regulations for spent fuel storage and transportation and for the siting of spent fuel storage facilities.

INTERNATIONAL PLUTONIUM STORAGE

2. In 1980 the Expert Group on International Plutonium Storage (IPS) and its technical sub-groups held eight meetings. Progress was made in examining the technical and operational aspects of establishing an IPS system within the framework of IAEA, including the harmonization of the field operations required with existing safeguards procedures. Work began on the preparation of legal instruments for the implementation of Article XII.A.5 of the IAEA Statute.

SUPPLY AGREEMENTS

3. In June 1980 the Board of Governors approved an agreement for assistance by IAEA to Malaysia concerning the transfer from the United States of America of a one-megawatt TRIGA Mark II research reactor and 24 760 grams of uranium enriched to approximately 20 per cent, contained in fuel elements, and 7.6 grams of uranium enriched to approximately 93 per cent, contained in neutron detectors, for the operation of the reactor. The agreement²³⁵ was concluded between IAEA, Malaysia and the United States of America on 22 September 1980 and entered into force on that date. The reactor is to be installed at the Tun Ismail Atomic Research Centre at Bangi, Selangor, Malaysia.

4. A fourth supply agreement²³⁶ was concluded on 16 January 1980 between IAEA, the United States of America and Yugoslavia for the transfer of 1372 grams of uranium enriched to approximately 70 per cent, contained in fuel elements, for the continued operation of the TRIGA Mark II research reactor at the Jozef Stefan Institute, Ljubljana. An amendment to the project agreement of 4 October 1981²³⁷ between IAEA and Yugoslavia was also concluded on 16 January 1980 in order to bring that agreement into line with similar agreements recently approved by the Board of Governors. Both the fourth supply agreement and the amendment to the project agreement entered into force on 14 July 1980.

5. A master agreement between IAEA and New Zealand for IAEA assistance in the supply of small quantities of nuclear material for research purposes and a supplementary agreement thereto were signed and entered into force on 17 April 1980. Pursuant to these agreements,²³⁸ one milligram of plutonium-242 was to be provided by the United States of America to New Zealand for use in environmental research at the National Laboratory, Christchurch, New Zealand.

CIVIL LIABILITY FOR NUCLEAR DAMAGE

6. On 26 August 1980 the Government of Peru deposited its instrument of accession to the Vienna Convention on Civil Liability for Nuclear Damage of 1963 (5) with the Director-General of IAEA. The Convention accordingly entered into force on 26 November 1980 with respect to Peru, pursuant to Article XXIV.3 thereof. As of 31 December 1980, the Convention was in force

with respect to the following States: Argentina, Bolivia, Cuba, Egypt, Niger, Peru, Philippines, Trinidad and Tobago, United Republic of Cameroon and Yugoslavia.

TRAINING COURSE

7. In co-operation with the Government of the United States of America, IAEA organized a training course on Regulation of Nuclear Power Plants at the Centre for Educational Affairs, Argonne National Laboratory, Illinois, United States, from 22 September to 20 November 1980. The course covers, *inter alia*, nuclear legislation and regulatory practices in the licensing of nuclear installations, including the role, responsibility and organization of the regulatory authority, the establishment and implementation of nuclear safety standards, codes and guides.

11. INTERNATIONAL FUND FOR AGRICULTURAL DEVELOPMENT

A. ELECTION OF THE PRESIDENT

President Abdelmuhsin M. Al-Sudeary, whose first term expired on 13 December 1980, was re-elected by the Governing Council of IFAD during its Fourth Annual Session to a second three-year term by acclamation. Section 8(a) of Article 6 of the Agreement Establishing IFAD, *inter alia*, fixes the term of office of the IFAD President at three years and confers eligibility on the incumbent for reappointment to a second term of three years.

B. ESTABLISHMENT OF A GENERAL RESERVE

Recognizing the need to protect the IFAD investments from exchange rates fluctuations, to cover the Fund's potential over-commitment risk as a result of exchange rate fluctuations, and possible delinquencies in receipt of loan service payments or in the recovery of amounts due to the Fund from the investment of its liquid assets, the fourth session of the Governing Council established a General Reserve and decided in resolution 16/IV:

- (i) That an initial amount of \$US 10 million is to be transferred from the Fund's accumulated surplus as at 31 December 1980;
- (ii) That future annual transfers from the accumulated surplus to the General Reserve shall be determined by the Executive Board after taking into account the Fund's financial position;
- (iii) That the adequacy of the General Reserve shall be periodically reviewed by the Executive Board;
- (iv) That subject to the above, the ceiling of the General Reserve shall not exceed \$US 100 million; and
- (v) That withdrawals from the General Reserve shall be subject to the prior approval of the Executive Board.

C. MEMBERSHIP

The Governing Council, at its fourth annual session, admitted the People's Republic of Angola, the Solomon Islands and Zimbabwe as non-original members of IFAD in Category III. This brought IFAD's membership at the end of 1980 to 135: 20 in Category I (developed countries), 12 in Category II (OPEC members) and 103 in Category III (other developing countries). Original members of IFAD are the States that are listed in Schedule I to the Agreement Establishing IFAD and became parties to that Agreement within one year from the date of its entry into force. Non-original members are the States that are not listed in Schedule I and became parties to this Agreement. Schedule I lists the States which participated in the United Nations Conference on the Establishment of an Independent Fund for Agricultural Development that had adopted the Agreement Establishing IFAD on 13 June 1976.

D. REPLENISHMENT OF RESOURCES

Section 3 of Article 4 of the Agreement Establishing IFAD provides that: "In order to assure continuity in the operations of the Fund, the Governing Council shall periodically, at such intervals as it deems appropriate, review the adequacy of the resources available to the Fund; the first such review shall take place not later than three years after the Fund commences operations." At its third annual session, held in January 1980, the Governing Council had reviewed the adequacy of the IFAD resources and, after ascertaining the necessity to replenish these resources, had adopted resolution 14/III. The resolution invited members of IFAD to make additional contributions to the resources of the Organization for the 1981-1983 three-year period. In order to ensure that these resources were replenished at a level sufficient to provide for an increase in real terms in the level of operations, consultations were subsequently held among IFAD members to determine the amount of contributions to the first replenishment. Consequently, the Governing Council at its fourth session resolved that, taking into account resources of \$US 230 million available for commitment at the end of 1980, new resources should be made available to IFAD to enable it to undertake an operational program of \$US 1,500 million for the period 1981-1983. The Council authorized the Executive Board to work out and approve all the technical details required for the implementation of the resolution after adequate consultations among interested member countries.

E. LENDING ACTIVITIES

During 1980 IFAD extended financial assistance totalling the equivalent of \$US 381 million for 27 projects in 27 developing countries of Africa, Asia and Latin America (compared to 23 projects in 1979 and 10 in 1978). In addition, technical assistance grants of about \$US 15 million were approved during the year. As of 31 December 1980, the total amount of the IFAD loan approvals during its first three years of operations was \$US 870 million in 48 member countries. In addition, during the same period \$US 22 million were made available as grants for technical assistance.²³⁹

F. HEADQUARTERS

The Agreement for the Provisional Headquarters of IFAD between the Government of Italy and IFAD was ratified by the Italian Parliament and it entered into force on 9 August 1980 with the exchange of notes to that effect between the Government and IFAD. As Rome is the provisional seat of IFAD, in order to select the permanent seat of the Organization, the Governing Council, at its fourth annual session, decided that the *ad hoc* committee on IFAD's Permanent Seat should continue to function. This Committee had been established by the Executive Board in 1979 to consider various matters relating to the permanent seat and report to the Executive Board indicating its order of preference concerning the candidate countries. This report, together with the views and observations of the Executive Board is to be presented to the Governing Council at its fifth annual session due to be held in January 1982 to enable the Council to take a final decision on the subject. The Governing Council further decided that a decision whether voting for the selection of a permanent seat should be through secret ballot or by roll call would be considered in the event that the Permanent Seat could not be selected by consensus.²⁴⁰

G. ELECTION OF MEMBERS AND ALTERNATE MEMBERS OF THE EXECUTIVE BOARD

The following member States were elected by the Governing Council as members of the Executive Board for a period of three years:

CATEGORY I

<i>Member</i>	<i>Alternate</i>
France (replacing Italy)	Austria (replacing France)
Germany, Federal Republic of (replacing United Kingdom)	United Kingdom (replacing Federal Republic of Germany)
Japan	Canada
Netherlands	Switzerland (replacing Belgium)
Sweden (replacing Norway)	Denmark (replacing Sweden)
United States of America	

CATEGORY III

<i>Member</i>	<i>Alternate</i>
<i>Africa</i>	
Guinea	United Republic of Tanzania
Tunisia (replacing Sudan)	Lesotho (replacing Senegal)
<i>Asia</i>	
Bangladesh (replacing India)	Republic of Korea (replacing Sri Lanka)
<i>Latin America</i>	
Argentina	Peru
Mexico	Honduras

The member States of Category II decided to continue with the same country representation in the Executive Board.

Notes

¹ This summary has been prepared on the basis of *The United Nations Disarmament Yearbook*, vol. 5: 1980 (United Nations publication, Sales No. E.81.IX.4).

² See *Official Records of the General Assembly, Tenth Special Session, Supplement No. 4 (A/S-10/4)*, sect. III. Also reproduced in the *Juridical Yearbook*, 1978, p. 46.

³ *Ibid.*, *Thirty-fifth Session, Supplement No. 42 (A/35/42)*, and A/CN.10/PV.25-40 and A/CN.10/PV.23-40/Corrigendum.

⁴ For the text of the Declaration, see *infra*, pp. 50-55.

⁵ See A/CN.10/PV.26-34 and A/CN.10/PV.23-40/Corrigendum.

⁶ See *Official Records of the General Assembly, Thirty-fifth Session, Supplement No. 42 (A/35/42)*, paras. 9-13.

⁷ *Ibid.*, para. 19, sect. B.

⁸ *Ibid.*, para. 20 (section entitled "Recommendations on agenda item 4(a) and (b)", para. 9).

⁹ The States represented in the Committee in 1980 were: Algeria, Argentina, Australia, Belgium, Brazil, Bulgaria, Burma, Canada, China, Cuba, Czechoslovakia, Egypt, Ethiopia, France, German Democratic Republic, Germany, Federal Republic of, Hungary, India, Indonesia, Iran, Italy, Japan, Kenya, Mexico, Mongolia, Morocco, Netherlands, Nigeria, Pakistan, Peru, Poland, Romania, Sri Lanka, Sweden, USSR, United Kingdom, United States, Venezuela, Yugoslavia and Zaire.

¹⁰ See *Official Records of the General Assembly, Thirty-fifth Session, Supplement No. 27 (A/35/27)*, para. 68.

¹¹ *Ibid.*, *Thirty-fifth Session, Plenary Meetings*, 4th to 33rd and 94th meetings; *ibid.*, *Thirty-fifth Session, First Committee*, 4th to 47th meetings; and *ibid.*, *First Committee*, Sessional Fascicle, corrigendum.

¹² *Ibid.*, *Thirty-fifth Session, First Committee*, 14th to 41st meetings.

¹³ Resolution 35/156 A was adopted by a recorded vote of 101 to 14 (USSR, other Eastern European States and some non-aligned States), with 27 abstentions (non-aligned States).

¹⁴ Resolution 35/156 C was adopted by a recorded vote of 95 to 18 (including France, United Kingdom, United States and other Western countries), with 27 abstentions.

¹⁵ Resolution 35/156 D was adopted without a vote.

¹⁶ Resolution 35/156 F was adopted by a recorded vote of 126 to none, with 19 abstentions (mainly Eastern European and Western States).

¹⁷ Resolution 35/156 H was adopted by a recorded vote of 125 to 11 (including USSR and other Eastern European countries), with 8 abstentions (including France and the United Kingdom among the nuclear-weapon States, and Argentina, Brazil and India).

¹⁸ Resolution 35/156 J was adopted without a vote.

¹⁹ Resolution 35/156 K was adopted without a vote.

²⁰ See *supra*, footnote 2.

²¹ See *supra*, footnote 4.

²² The *ad hoc* working groups formed in 1980 dealt with security assurances to non-nuclear-weapon States; banning of radiological weapons; banning of chemical weapons; and development of a comprehensive programme of disarmament.

²³ Resolutions 35/47 and 35/152 A to 35/152 J.

²⁴ See *Official Records of the General Assembly, Thirty-fifth Session, Plenary Meetings*, 4th to 33rd meetings; *ibid.*, *Thirty-fifth Session, First Committee*, 4th to 49th meetings; and *ibid.*, *First Committee*, Sessional Fascicle, corrigendum.

²⁵ *Ibid.*, *Tenth Special Session, Supplement No. 4 (A/S-10/4)*, sect. III, para. 118.

²⁶ *Ibid.*, *Thirty-fifth Session, Supplement No. 28 (A/35/28)*.

²⁷ See *supra*, pp. 48-49.

²⁸ Resolution 35/152 D was adopted by a recorded vote of 112 to 19, with 14 abstentions. With regard to the nuclear-weapon States, China voted in favour, France, the United Kingdom and the United States voted against and the Soviet Union abstained.

²⁹ The participants were the Soviet Union, the United Kingdom and the United States as depositaries, and 72 non-nuclear-weapon States parties: Australia, Austria, Bangladesh, Belgium, Bulgaria, Burundi, Canada, Congo, Costa Rica, Cyprus, Czechoslovakia, Democratic Yemen, Denmark, Ecuador, Ethiopia, Finland, Gabon, German Democratic Republic, Germany, Federal Republic of, Ghana, Greece, Holy See, Honduras, Hungary, Iceland, Indonesia, Iran, Iraq, Ireland, Italy, Ivory Coast, Japan, Jordan, Kenya, Lebanon, Libyan Arab Jamahiriya, Liechtenstein, Luxembourg, Malaysia, Malta, Mexico, Mongolia, Morocco, Netherlands, New Zealand, Nicaragua, Nigeria, Norway, Panama, Peru, Philippines, Poland, Portugal, Republic of Korea, Romania, San Marino, Senegal, Sierra Leone, Somalia, Sri Lanka, Sudan, Sweden, Switzerland, Syrian Arab Republic, Thailand, Tunisia, Turkey, Uruguay, United Republic of Cameroon, Venezuela, Yugoslavia and Zaire.

³⁰ See *Official Records of the General Assembly, Thirty-fifth Session, Supplement No. 27 (A/35/27)*, appendix II (CD/139), vol. II, document CD/130.

³¹ Resolution 35/145 A was adopted by a recorded vote of 111 to 2 (United Kingdom and United States), with 31 abstentions.

³² Resolution 35/145 B was adopted by a recorded vote of 129 to none, with 16 abstentions.

³³ See *Official Records of the General Assembly, Thirty-fifth Session, Plenary Meetings*, 4th to 33rd and 94th meetings; *ibid.*, *Thirty-fifth Session, First Committee*, 4th to 43rd meetings; and *ibid.*, *First Committee, Sessional Fascicle*, corrigendum.

³⁴ *Ibid.*, *Thirty-fifth Session, Supplement No. 27 (A/35/27)*, chap. III, paras. 45-49.

³⁵ Resolution 35/154 was adopted by a recorded vote of 110 to 2 (Albania and United States), with 31 abstentions (mainly Western States).

³⁶ Resolution 35/155 was adopted by a recorded vote of 121 to none, with 24 abstentions (including most Western States).

³⁷ Resolution 35/143 was adopted by a recorded vote of 138 to none, with 5 abstentions (Central African Republic, Cuba, France, Guyana and United States).

^{37a} A/35/402 and Corr.1.

³⁸ Resolution 35/146 A was adopted by a recorded vote of 132 to none, with 13 abstentions (France, United Kingdom, United States, other Western States, Israel and Japan).

³⁹ Resolution 35/147 was adopted without a vote.

^{39a} Resolution 35/148 was adopted by a recorded vote of 96 to 3 (Bhutan, India and Mauritius), with 44 abstentions.

⁴⁰ See *Official Records of the General Assembly, Thirty-fifth Session, Supplement No. 27 (A/35/27)*, appendix II (CD/139), vol. II, document CD/112.

⁴¹ Resolution 35/144 C was adopted by a recorded vote of 78 to 17 (including Eastern European States), with 36 abstentions.

⁴² Resolution 35/144 B was adopted without a vote.

⁴³ See General Assembly resolution 2826 (XXVI), annex. The text of the Convention has also been reproduced in the *Juridical Yearbook*, 1971, p. 118.

⁴⁴ Resolution 35/144 A was adopted without a vote.

⁴⁵ See *Official Records of the General Assembly, Thirty-fifth Session, Plenary Meetings*, 4th to 33rd and 94th meetings; *ibid.*, *Thirty-fifth Session, First Committee*, 4th to 38th meetings; and *ibid.*, *First Committee, Sessional Fascicle*, corrigendum.

⁴⁶ *Ibid.*, *Thirty-fifth Session, Supplement No. 27 (A/35/27)*, paras. 57-62.

^{46a} Resolution 35/149 was adopted by a recorded vote of 117 to none, with 26 abstentions (mainly Western States).

⁴⁷ See *Official Records of the General Assembly, Thirty-fifth Session, Supplement No. 27 (A/35/27)*, para. 61: report to the Committee by the *Ad Hoc* Working Group. The original report, as submitted to the Committee, is contained in *ibid.*, *Supplement No. 27 (A/35/27)*, appendix II (CD/139), vol. II, document CD/133.

⁴⁸ *Ibid.*, *Thirty-fifth Session, Plenary Meetings*, 4th to 33rd and 94th meetings; *ibid.*, *Thirty-fifth Session, First Committee*, 5th to 39th meetings; and *ibid.*, *First Committee, Sessional Fascicle*, corrigendum.

⁴⁹ The text of the Convention and of the three Protocols thereto is reproduced in chapter IV below.

⁵⁰ Resolution 2734 (XXV). Also reproduced in the *Juridical Yearbook*, 1970, p. 62.

⁵¹ See the report of the First Committee to the thirty-fifth session of the General Assembly, on agenda item 50 (a) (A/35/701).

⁵² For the report of the Legal Sub-Committee, see document A/AC.105/271.

⁵³ See document A/CN.105/240, annex I, appendix A, principles I, VIII, IX, XI, XII, XIII, XIV, XV and XVII.

⁵⁴ See document A/AC.105/271, annex II, appendix.

⁵⁵ See document A/AC.105/C.2/L.121.

⁵⁶ For the report of the Committee see *Official Records of the General Assembly, Thirty-fifth Session, Supplement No. 20 (A/35/20)*.

⁵⁷ See the report of the Special Political Committee to the thirty-fifth session of the General Assembly on agenda items 55 and 56 (A/38/582).

⁵⁸ *Ibid.*

- ⁵⁹ See General Assembly resolutions 3201 (S-VI) and 3202 (S-VI) of 1 May 1974.
- ⁶⁰ See General Assembly resolution 3281 (XXIX) of 12 December 1974.
- ⁶¹ See the report of the Second Committee to the thirty-fifth session of the General Assembly on agenda item 61 (A/35/592/Add.2).
- ⁶² See General Assembly resolution 33/153 of 20 December 1978.
- ⁶³ See General Assembly decision 34/447 of 19 December 1979.
- ⁶⁴ See document A/C.2/36/6, annex.
- ⁶⁵ See the report of the Second Committee to the thirty-fifth session of the General Assembly on agenda item 61 (A/35/592/Add.2 and Add.2/Corr.1).
- ⁶⁶ See General Assembly resolution 34/111 of 14 December 1979.
- ⁶⁷ *Official Records of the General Assembly, Thirty-third Session, Plenary Meetings*, 11th meeting, paras. 106-122.
- ⁶⁸ See the report of the Second Committee to the thirty-fifth session of the General Assembly on agenda item 63 (A/35/616).
- ⁶⁹ See document A/35/468, annex I.
- ⁷⁰ For detailed information see *Official Records of the General Assembly, Thirty-fifth Session, Supplement No. 25 (A/35/25)*.
- ⁷¹ See document UNEP/GC.8/2.
- ⁷² See document UNEP/GC.8/3 and Corr.1
- ⁷³ *Official Records of the General Assembly, Thirty-fifth Session, Supplement No. 25 (A/35/25)*, paras. 117, 118, 123 and 136.
- ⁷⁴ *Ibid.*, paras. 355-359.
- ⁷⁵ See *Report of the United Nations Conference on the Human Environment held at Stockholm from 5 to 16 June 1972* (United Nations publication, Sales No. E.73.11.A.14), p. 12.
- ⁷⁶ See *Official Records of the General Assembly, Thirty-fifth Session, Supplement No. 25 (A/35/25)*, annex I, decision 8/15.
- ⁷⁷ See the report of the Second Committee to the thirty-fifth session of the General Assembly on agenda item 61 (A/35/592/Add.4).
- ⁷⁸ See *Official Records of the General Assembly, Thirty-fifth session, Supplement No. 25 (A/35/25)*.
- ⁷⁹ For detailed information, see *Official Records of the General Assembly, Thirty-fifth Session, Supplement Nos. 12 and 12 A (A/35/12 and Add.1)* and *ibid.*, *Thirty-sixth Session, Supplement No. 12 (A/35/12)*.
- ⁸⁰ *Official Records of the General Assembly, Thirty-fifth Session, Supplement No. 12 A (A/35/12/Add.1)*, para. 48 (5) (d) (i-iv).
- ⁸¹ *Ibid.*, paras. 48 (2) and (3).
- ⁸² See annex to General Assembly resolution 428 (v) of 14 December 1950.
- ⁸³ See United Nations, *Treaty Series*, vol. 189, p. 137.
- ⁸⁴ See United Nations, *Treaty Series*, vol. 606, p. 267.
- ⁸⁵ See the report of the Third Committee to the thirty-fifth session of the General Assembly on agenda item 78 (document A/35/650).
- ⁸⁶ *Ibid.* and Corr.1.
- ⁸⁷ United Nations, *Treaty Series*, vol. 520, p. 151.
- ⁸⁸ United Nations publication, Sales No. E.78.XI.3, p. 7.
- ⁸⁹ E/CONF.63/9.
- ⁹⁰ United Nations publication, Sales No. E.77.XI.3, p. 13.
- ⁹¹ See *Official Records of the Economic and Social Council, 1980, Supplement No. 4 (E/1980/14)*, chap. XII.
- ⁹² See the report of the Third Committee to the thirty-fifth session of the General Assembly on agenda item 12 (document A/35/471).
- ⁹³ For a short background on this question, see *Juridical Yearbook*, 1979, chap. III, sect. A 3 (e) (2).
- ⁹⁴ See the report of the Third Committee to the thirty-fifth session of the General Assembly on agenda item 82 (A/35/743).
- ⁹⁵ See General Assembly resolution 2200 A (XXI). Also reproduced in the *Juridical Yearbook*, 1966, p. 170 *et seq.*
- ⁹⁶ See the report of the Third Committee to the thirty-fifth session of the General Assembly on agenda item 76 (A/35/637).
- ⁹⁷ *Official Records of the General Assembly, Thirty-fifth Session, Supplement No. 40 (A/35/40)*.
- ⁹⁸ See General Assembly resolution 2106 A (XX). Also reproduced in the *Juridical Yearbook*, 1965, p. 65.
- ⁹⁹ See the report of the Third Committee to the thirty-fifth session of the General Assembly on agenda item 74 (A/35/590).
- ¹⁰⁰ *Official Records of the General Assembly, Thirty-fifth Session, Supplement No. 18 (A/35/18)*.
- ¹⁰¹ General Assembly resolution 3068 (XXVIII), annex. Also reproduced in the *Juridical Yearbook*, 1973, p. 70.
- ¹⁰² See the report of the Third Committee to the thirty-fifth session of the General Assembly on agenda item 74 (A/35/590).
- ¹⁰³ For the text of the Convention, see General Assembly resolution 34/180 of 18 December 1979 and *Juridical Yearbook*, 1979, chap. IV, sect. A.
- ¹⁰⁴ Reproduced in the *Juridical Yearbook*, 1975, p. 48 *et seq.*

- ¹⁰⁵ See the report of the Third Committee to the thirty-fifth session of the General Assembly on agenda item 82 (A/35/743).
- ¹⁰⁶ 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.
- ¹⁰⁷ See document A/34/146.
- ¹⁰⁸ See the report of the Third Committee to the thirty-fifth session of the General Assembly, document A/35/743.
- ¹⁰⁹ See document A/C.3/35/14 and Corr.1.
- ¹¹⁰ See the report of the Third Committee to the thirty-fifth session of the General Assembly on agenda item 77 (A/35/721).
- ¹¹¹ See General Assembly resolution 2200 (XXI), annex.
- ¹¹² See General Assembly resolution 34/171 of 17 December 1979.
- ¹¹³ See the report of the Third Committee to the thirty-fifth session of the General Assembly on agenda item 12 (A/35/741).
- ¹¹⁴ See A/35/148.
- ¹¹⁵ See General Assembly resolution 34/172 of 17 December 1979 and *Juridical Yearbook*, 1979, chap. III, sect. A 3 (f) (4).
- ¹¹⁶ See the report of the Third Committee to the thirty-fifth session of the General Assembly on agenda item 12 (document A/35/741).
- ¹¹⁷ See document A/C.3/35/13.
- ¹¹⁸ See document E/CN.4/1336.
- ¹¹⁹ See document E/CN.4/1354 and Add.1-6.
- ¹²⁰ See the report of the Third Committee to the thirty-fifth session of the General Assembly on agenda item 12 (document A/35/741).
- ¹²¹ See document A/C.3/35/14 and Corr.1.
- ¹²² See the report of the Third Committee to the thirty-fifth session of the General Assembly on agenda item 73 (A/35/636).
- ¹²³ See *Official Records of the Third United Nations Conference on the Law of the Sea*, vol. XIII (United Nations publication, Sales No. E.81.V.5).
- ¹²⁴ *Ibid.*, document A/CONF.62/96.
- ¹²⁵ *Ibid.*, document A/CONF.62/C.1/L.27 and Add.1.
- ¹²⁶ *Ibid.*, vol. XIV (United Nations publication, Sales No. E.82.V.2), document A/CONF.62/C.1/L.28 and Add.1.
- ¹²⁷ *Ibid.*, vol. XIII (United Nations publication, Sales No. E.81.V.5), document A/CONF.62/L.51.
- ¹²⁸ *Ibid.*, document A/CONF.62/L.50.
- ¹²⁹ *Ibid.*, vol. XIV (United Nations publication, Sales No. E.82.V.2), document A/CONF.62/C.3/L.34 and Add. 1-2.
- ¹³¹ *Ibid.*, document A/CONF.62/L.52 and L.55.
- ¹³² For the composition of the Court, see *Official Records of the General Assembly, Thirty-third Session, Supplement No. 45*, sect. X, p. 229.
- ¹³³ As of 31 December 1980, 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.
- ¹³⁴ For detailed information, see *I.C.J. Reports 1979*, *I.C.J. Reports 1980*, *I.C.J. Yearbook 1979-1980*, No. 34, and *I.C.J. Yearbook 1980-1981*, No. 35. The full text of the judgement was also reproduced in document S/13989.
- ¹³⁵ *I.C.J. Reports 1979*, p. 23.
- ¹³⁶ *I.C.J. Reports 1980*, p. 3.
- ¹³⁷ The above summary is taken from the *I.C.J. Yearbook 1979-1980*, No. 34, p. 119 *et seq.*
- ¹³⁸ For detailed information, see *I.C.J. Reports 1979*, *I.C.J. Reports 1980*, *I.C.J. Yearbook 1978-1979*, No. 33, *I.C.J. Yearbook 1979-1980*, No. 34, and *I.C.J. Yearbook 1980-1981*, No. 35.
- ¹³⁹ *I.C.J. Reports 1979*, p. 3.
- ¹⁴⁰ *I.C.J. Reports 1980*, p. 70.
- ¹⁴¹ A summary of the judgement delivered by the Court at a public sitting on 14 April 1981 is to be found in *I.C.J. Yearbook 1980-1981*, No. 35, p. 123 *et seq.*
- ¹⁴² For detailed information, see *I.C.J. Yearbook 1980-1981*, No. 35.
- ¹⁴³ United Nations, *Treaty Series*, vol. 223, p. 87.
- ¹⁴⁴ *I.C.J. Reports 1980*, p. 67.
- ¹⁴⁵ Also see *I.C.J. Reports 1980*, p. 73.
- ¹⁴⁶ For the membership of the Commission, see *Official Records of the General Assembly, Thirty-sixth Session, Supplement No. 10* (A/36/10), chap. I.
- ¹⁴⁷ For detailed information, see *Yearbook of the International Law Commission*, 1980, vol. I and vol. II (Parts One and Two), United Nations publication, Sales No. E.81.V.3 (Part I) and E.81.V.4 (Part II).
- ¹⁴⁸ A/CN.4/331 and Add.1
- ¹⁴⁹ *Official Records of the General Assembly, Thirty-fifth Session, Supplement No. 10* (A/35/10).
- ¹⁵⁰ See the report of the Sixth Committee to the thirty-fifth session of the General Assembly on agenda item 106 (A/35/731).
- ¹⁵¹ For the membership of the Commission, see *Official Records of the General Assembly, Thirty-fifth session, Supplement No. 17* (A/35/17).

- ¹⁵² For detailed information, see *Yearbook of the United Nations Commission on International Trade Law*, vol. XI, 1980 (United Nations publication, Sales No. E.81.V.8).
- ¹⁵³ *Official Records of the General Assembly, Thirty-fifth Session, Supplement No. 17 (A/35/17)*, para. 106.
- ¹⁵⁴ A/CN.9/190.
- ¹⁵⁵ *Ibid.*
- ¹⁵⁶ See the report of the Sixth Committee to the thirty-fifth session of the General Assembly on agenda item 107 (A/35/627).
- ¹⁵⁷ *Ibid.*
- ¹⁵⁸ *Official Records of the General Assembly, Ninth Session, Supplement No. 9, (A/2693)*, para. 54.
- ¹⁵⁹ See the report of the Sixth Committee to the thirty-fifth session of the General Assembly on agenda item 102 (A/35/615).
- ¹⁶⁰ The analytical paper was subsequently issued under the symbol A/36/535.
- ¹⁶¹ See the report of the Sixth Committee to the thirty-fifth session of the General Assembly on agenda item 103 (A/35/729).
- ¹⁶² *Official Records of the General Assembly, Thirty-third Session, Supplement No. 10 (A/33/10)*.
- ¹⁶³ See the report of the Sixth Committee to the thirty-fifth session of the General Assembly on agenda item 104 (A/35/730).
- ¹⁶⁴ A/35/312 and Corr.1.
- ¹⁶⁵ A/35/312/Add.1 and 2 and Add.2/Corr.1.
- ¹⁶⁶ ST/LEG/6.
- ¹⁶⁷ ST/LEG/7.
- ¹⁶⁸ For the report of the Special Committee, see *Official Records of the General Assembly, Thirty-fifth Session, Supplement No. 41 (A/35/41)*.
- ¹⁶⁹ *Ibid.*, *Thirty-fourth Session, Supplement No. 41 (A/34/41 and Corr.1)*.
- ¹⁷⁰ See the report of the Sixth Committee to the thirty-fifth session of the General Assembly on agenda item 105 (A/35/623).
- ¹⁷¹ *Ibid.*, para. 172.
- ¹⁷² See the report of the Sixth Committee to the thirty-fifth session of the General Assembly on agenda item 108 (A/35/732).
- ¹⁷³ *Official Records of the General Assembly, Thirty-fifth Session, Supplement No. 33 (A/35/33)*.
- ¹⁷⁴ See the report of the Sixth Committee to the thirty-fifth session of the General Assembly on agenda item 111 (A/35/735).
- ¹⁷⁵ A/35/466.
- ¹⁷⁶ Further to this request, a report of the Secretary-General was issued at the thirty-sixth session of the General Assembly under the symbol A/36/143.
- ¹⁷⁷ See the report of the Sixth Committee to the thirty-fifth session of the General Assembly on agenda item 29 (A/35/655).
- ¹⁷⁸ Resolution 2625 (XXV), annex.
- ¹⁷⁹ See subsection (e) above.
- ¹⁸⁰ See the report of the Sixth Committee to the thirty-fifth session of the General Assembly on agenda item 51 (A/35/757).
- ¹⁸¹ A/35/142.
- ¹⁸² See the report of the Sixth Committee to the thirty-fifth session of the General Assembly on agenda item 114 (A/35/142).
- ¹⁸³ In the course of its thirty-fifth session, the General Assembly also considered the report of the Committee on Relations with the Host Country (*Official Records of the General Assembly, Thirty-fifth Session, Supplement No. 26 (A/35/26)*), in connexion with which it adopted resolution 35/165 and the question of the registration and publication of treaties and international agreements pursuant to Article 102 of the Charter of the United Nations (for the report of the Secretary-General on this question, see document A/35/423) in connexion with which it adopted decision 35/436. It also considered the item entitled "Resolution adopted by the United Nations Conference on the Representation of States in Their Relations with International Organizations" (see *Juridical Yearbook*, 1975, p. 114), in connexion with which it adopted resolution 35/167.
- ¹⁸⁴ For detailed information, see *Official Records of the General Assembly, Thirty-fifth Session, Supplement No. 14 (A/35/14)* and *ibid.*, *Thirty-sixth Session, Supplement No. 14 (A/36/14 and corrigendum)*.
- ¹⁸⁵ For detailed information on the colloquium, see document A/35/677-S/14281 of 2 December 1980.
- ¹⁸⁶ The report of the Secretary-General containing "a list of the existing and evolving principles and norms of international law relating to the new international economic order concerning the economic relations among States, international organizations and other entities of public international law, and the activities of transnational corporations" was circulated during the thirty-sixth session of the General Assembly under symbol A/36/143.
- ¹⁸⁷ United Nations, *Treaty Series*, vol. 189, p. 137.
- ¹⁸⁸ *Ibid.*, vol. 360, p. 117.
- ¹⁸⁹ See *Juridical Yearbook*, 1967, p. 285.
- ¹⁹⁰ UNITAR publication, Sales No. E.80.XV.RR/24.
- ¹⁹¹ 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.

¹⁹² *Official Bulletin*, vol. LXIII, 1980, Series A, No. 2, pp. 65-66; English, French and Spanish. Regarding preparatory work see: Report VII(b) — Amendment of the List of Occupational Diseases Appended to the Employment Injury Benefits Convention, 1964 (No. 121), ILC, 66th Session (1980), 30 pp. (this report contains, *inter alia*, details of the action which led to the placing of the question on the agenda of the Conference); English, French, Spanish, German and Russian. See also ILC, 66th Session (1980) *Record of Proceedings* Nos. 35; 35A; 42, p. 5; English, French and Spanish.

¹⁹³ *Official Bulletin*, vol. LXIII, 1980, Series A, No. 2, pp. 67-73; English, French and Spanish. Regarding preparatory work see: *First discussion* — Older Workers: Work and Retirement ILC, 65th Session (1979), 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), 96 and 105 pages respectively; English, French, Spanish, German and Russian. See also, ILC, 65th Session (1979) *Record of Proceedings* Nos. 38; 41, pp. 2-8; English, French and Spanish. *Second Discussion* — Older Workers: Work and Retirement, ILC, 66th Session (1980), Report IV(1) and Report IV(2), 60 and 59 pp. respectively; English, French, Spanish, German and Russian. See also, ILC, 66th Session (1980) *Record of Proceedings* Nos. 28; 28A; 34, pp. 1-5; English, French and Spanish.

¹⁹⁴ ILC, 66th Session (1980) *Record of Proceedings* No. 14, pp. 24-26; English, French and Spanish. *Official Bulletin*, Vol. LXIII, 1980, Series A, No. 2, pp. 84-85; English, French and Spanish.

¹⁹⁵ This report has been published as Report III (Part 4) to the 66th Session of the Conference and comprises two volumes: vol. A: "General Report and Observations concerning Particular Countries" (Report III (Part 4A)), 242 pages; English, French and Spanish. Vol. B: "General Survey of the Reports relating to Conventions Nos. 97 and 143 and Recommendations Nos. 86 and 151 concerning Migrant Workers" (Report III (Part 4B)) 189 pages; English, French and Spanish.

¹⁹⁶ *Official Bulletin*, Vol. LXIII, 1980, Series B, No. 1.

¹⁹⁷ *Ibid.*, Vol. LXIII, 1980, Series B, No. 2.

¹⁹⁸ *Ibid.*, Vol. LXIII, 1980, Series B, No. 3.

¹⁹⁹ For general information on the organization and functions of the Office of the Legal Counsel, see *Juridical Yearbook*, 1972, p. 60.

²⁰⁰ CL 78/3, para. 81.

²⁰¹ CL 78/4, para. 65.

²⁰² CL 78/6, paras. 2131-2133.

²⁰³ CL 78/REP, para. 199.

²⁰⁴ CL 70/REP, Res. 5/70.

²⁰⁵ FO:FDT/80/REP.

²⁰⁶ CL 78/REP, paras. 216-217.

²⁰⁷ CL 78/REP, paras. 220-221.

²⁰⁸ CL 75/REP, para. 202.

²⁰⁹ CL 78/REP, paras. 208-213.

²¹⁰ United Nations, *Treaty Series*, vol. 390, p. 228.

²¹¹ Indo-Pacific Fishery Commission Proceedings, 19th Session, paras. 30-39.

²¹² FID/R246, paras. 105-109.

²¹³ For general information in the organization and functions of the Legislation Branch, see *Juridical Yearbook*, 1972, page 62, note 59.

²¹⁴ A paper was prepared on "The multiplicity of sources of water law and government institutions responsible at national, European and international levels for water resource management".

²¹⁵ Cf. publications and documents listed in part four, "Bibliography" pp. 243-290 below.

²¹⁶ See Articles II and XV of the Constitution.

²¹⁷ See resolution 21 C/071, 25 September 1980.

²¹⁸ See document 21 C/100 and report of the Legal Committee thereon (document 21 C/108).

²¹⁹ See resolution 21 C/18.1, 4 October 1980.

²²⁰ For the text of these instruments, see Records of the General Conference, Vol. I (Resolutions), annex 1.

²²¹ See documents 21 C/22, 21 C/23, 21 C/24 and 21 C/25.

²²² See resolution 21 C/17.1, 22 October 1980.

²²³ For the titles of these Recommendations, see the section above entitled "International regulations".

²²⁴ See resolution 21 C/17.21, 22 October 1980.

²²⁵ General Assembly resolution 2200 A (XX), annex. Also reproduced in the *Juridical Yearbook*, 1966, p. 170.

²²⁶ See document 109 EX/CR/SS/1.

²²⁷ See document 109 ES/51.

²²⁸ See decision 109 EX/5.4.3.

²²⁹ United Nations, *Treaty Series*, vol. 15, p. 295.

²³⁰ The Convention on the Settlement of Investment Disputes between States and Nationals of Other States is reproduced in the *Juridical Yearbook*, 1966, p. 196.

²³¹ The list of Contracting States and Other Signatories of the Convention is reproduced in document ICSID/3.

²³² International Monetary Fund. Annual Report of the Executive Directors for the fiscal year ended 30 April 1977, pp. 107-109.

²³³ United Nations, *Treaty Series*, vol. 77, p. 143.

²³⁴ United Nations, *Treaty Series*, vol. 963. Also reproduced in the *Juridical Yearbook*, 1969, p. 166.

²³⁵ Reproduced in document INFCIRC/287.

²³⁶ Reproduced in document INFCIRC/32/Add.4.

²³⁷ Reproduced in document INFCIRC/32, part II.

²³⁸ Reproduced in document INFCIRC/286.

²³⁹ IFAD's Annual Report, p. 13.

²⁴⁰ Governing Council fourth session report, para. 17.