

Extract from:

UNITED NATIONS JURIDICAL YEARBOOK

1981

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*

In 1981, the ultimate goal of general and complete disarmament under effective international control was again affirmed in various United Nations bodies as the desired aim of all disarmament efforts. At the same time, as in other recent years, most of the focus on disarmament in the comprehensive sense was directed at stopping the arms race and getting a process of genuine disarmament, particularly nuclear disarmament, started, or at least at achieving specific measures of arms control. This focus was particularly evident in 1981 in the light of continuing tensions and disturbing developments in the international arena. Strong emphasis was placed on the importance of building confidence and restoring and strengthening détente in order to create an international atmosphere conducive to progress in disarmament.

Consideration by the Disarmament Commission

During the 1981 session, held from 18 May to 5 June,² emphasis on general and complete disarmament was, for the second time, reduced in favour of emphasis on the difficult international situation and the urgent need to halt and reverse the arms race, particularly the nuclear arms race.

For the first time, the Commission was able to consider the item appearing on its agenda on the basis of the letter of 8 March 1979 from the Chairman of the Special Committee against *Apartheid*,³ covering the report of the United Nations Seminar on Nuclear Collaboration with South Africa.⁴ Furthermore, two new items were added to the agenda, one entitled "Elaboration of a general approach to the study on all aspects of the conventional arms race and on disarmament relating to conventional weapons and armed forces, as well as its structure and scope" and a second item on the preparation of a report on the work of the Commission for submission to the General Assembly at its second special session devoted to disarmament, in 1982. Finally, the Commission established open-ended working groups to deal with the items concerning the reduction of military budgets and the study of conventional disarmament.

In its recommendations to the General Assembly, which were adopted by consensus, the Commission, with regard to the agenda item on various aspects of the arms race,⁵ stated, *inter alia*, that it was convinced that the arms race, in particular the nuclear arms race, ran counter to efforts to achieving further relaxation of international tensions; that progress in the field of disarmament would be beneficial to the strengthening of international peace and security and to the improvement of international relations, which in turn would facilitate further progress; and that all nations, nuclear-weapon States and non-nuclear-weapon States alike, had a vital interest in measures of nuclear and conventional disarmament as well as in the prevention of the further spread of nuclear weapons in accordance with the relevant paragraphs of the Final Document.⁶

Consideration by the Committee on Disarmament

The Committee on Disarmament held its 1981 session at Geneva from 3 February to 24 April.⁷ Early in the session, the Committee adopted its agenda and programme of work on the basis of

the 10 areas listed in its standard agenda for dealing with the cessation of the arms race and disarmament.⁸ The Committee also re-established the *ad hoc* groups that had been set up in 1980 on security assurance to non-nuclear States, chemical weapons and radiological weapons and had the group on the comprehensive programme of disarmament resume its work.

Although a number of States made reference to general and complete disarmament in plenary meetings,⁹ many of them were in connexion with the Declaration of the 1980s as the Second Disarmament Decade on the item called "Comprehensive programme of disarmament". As in recent years, greater over-all emphasis was afforded to the current dimensions of the arms race and urgent need to reverse and halt it than was given to the ultimate goal itself.

Consideration by the General Assembly

In 1981, the fundamental recognition of general and complete disarmament as the essential objective of all disarmament efforts was reiterated many times during the thirty-sixth session of the General Assembly, both in plenary meetings and in the First Committee.¹⁰ As in other years, most general references to disarmament emphasized the need for the beginning of a disarmament process rather than the end result.

Under the item "General and complete disarmament" 12 draft resolutions were submitted to the First Committee.¹¹ All of the draft resolutions — some following substantive revision — were adopted by the General Assembly as resolutions 36/97 A to L. Resolutions E, G, I and K are summarized below. Some of the other resolutions are dealt with under the respective headings of the present summary.

By resolution E, on non-stationing of nuclear weapons, the Assembly, considering that the non-stationing of nuclear weapons on the territories of States where there are no such weapons at present would constitute a step towards the larger objective of the subsequent complete withdrawal of nuclear weapons from the territories of other States, requested once again 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 and called upon all nuclear-weapon States to refrain from further action involving the stationing of nuclear weapons on the territories of other States.¹²

By resolution G, on prohibition of the production of fissionable material for weapon purposes, the Assembly, once again, considered that the cessation of the production of fissionable material for weapon purposes and the progressive conversion and transfer of stocks to peaceful uses would be a significant step towards halting and reversing the nuclear arms race; 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.¹³

By resolution I, on strategic arms limitation talks, adopted without a vote, the Assembly, noting that the Treaty between the United States and the USSR on the limitation of strategic offensive arms (SALT II) had not yet been ratified, urged that the process begun by the SALT I Treaty and the signature of the SALT II Treaty should continue and be built upon and trusted that the signatory States would continue to refrain from any act which would defeat the object and purpose of that process. Furthermore, the Assembly urged the United States and the USSR to pursue negotiations, looking towards the achievement of an agreement which would provide for substantial reductions and significant qualitative limitations of strategic arms.

Finally, by resolution K, on disarmament and international security, the Assembly, considering that it was of essential importance to create a climate of confidence in the United Nations which would open the way to co-operation among Member States, in fulfilling the common and basic obligations under the Charter, called upon all States to take prompt action for the implementation of its resolution 35/156 J of 12 December 1980, which would render effective the decisions of the Security Council in accordance with the Charter of the United Nations and thereby be conducive to meaningful disarmament negotiations.¹⁴

(ii) *Follow-up of the tenth special session of the General Assembly*

In 1981, considerable disillusionment was expressed regarding the paucity of achievements since the 1978 special session of the General Assembly devoted to disarmament and some emphasis was placed on the need for preservation of détente and restoration of confidence as prerequisites for progress. A generally tense international situation prevailed throughout the year and no new hope materialized for early achievement of concrete measures of disarmament in accordance with the Programme of Action set out in the Final Document.

Under the item entitled ‘Review of the implementation of the recommendations and decisions adopted by the General Assembly at its tenth Special Session’, 13 draft resolutions were introduced in the First Committee at its 27th to 37th meetings and later adopted by the General Assembly as resolutions 36/92 A to M. By resolution K, on prohibition of the nuclear neutron weapon, the Assembly, sharing the world-wide concern on the production and intended deployment of nuclear neutron weapons, expressed by numerous Member States and by many non-governmental organizations, considering that the introduction of the nuclear neutron weapon in the military arsenals of States escalated the nuclear arms race and significantly lowered the threshold to nuclear war, thereby increasing the danger of such a war, and aware of the inhumane effects of that weapon, which constitutes a grave threat, particularly for the unprotected civilian population, requested the Committee on Disarmament to start without delay negotiations in an appropriate organizational framework with a view to concluding a convention on the prohibition of the production, stockpiling, deployment and use of nuclear neutron weapons.¹⁵

(iii) *Preparatory work for the second special session of the General Assembly devoted to disarmament*

During 1981 the Preparatory Committee held two substantive sessions from 4 to 15 May and from 5 to 16 October.¹⁶ Whilst the precedents established at the 1978 special session facilitated agreement in the Preparatory Committee on procedural matters, the same could not be said regarding its work on the substantive issues that would be before the General Assembly at the second special session devoted to disarmament. There had been wide recognition that the Final Document had not yet led to any achievements of significance in the context of real disarmament and that the international political climate had worsened rather than improved in the past four years. Fundamental differences of views were apparent in 1981 in the discussions which took place in the Preparatory Committee. Nevertheless, there was a deep sense of determination that the disarmament debate must go forward and proposals be found that could be translated into action if humanity was to be saved from itself.

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

Consideration of the comprehensive programme of disarmament continued at the 1981 session of the Committee on Disarmament on the basis of the outline adopted in 1980 in the plenary meetings of the Committee as well as in the *Ad Hoc* Working Group on the Comprehensive Programme of Disarmament.¹⁷ At the conclusion of its work in 1981, the *Ad Hoc* Working Group reported to the Committee that it had been able to make good progress towards the elaboration of the comprehensive programme of disarmament but that considerable work remained to be done in resolving several important issues, in particular, issues relating to measures, stages and nature of the programme.¹⁸

At the thirty-sixth session of the General Assembly, the elaboration of the comprehensive programme of disarmament was mostly discussed in the context of the second special session devoted to disarmament,¹⁹ with many delegations commenting on the subject and stressing generally that the consideration and adoption of the programme was one of the main items on the agenda of the special session.

(v) *World Disarmament Conference*

Pursuant to resolution 35/151, the *Ad Hoc* Committee on the World Disarmament Conference continued its work during two sessions in 1981. In its report to the General Assembly,²⁰ the *Ad*

Hoc Committee noted that the idea of convening such a conference had been recently recalled by the Assembly, in particular, in resolution 35/46 entitled "Declaration of the 1980s as the Second Disarmament Decade". Furthermore, the Committee reported that during its proceedings, some of its members expressed the view that the question of holding a world disarmament conference should be reflected in the output of the second special session of the General Assembly devoted to disarmament and that the Disarmament Commission might take up the question in connexion with its recommendations to the Assembly at its special session. The Committee also related in its report that, in accordance with its mandate, it had maintained close contact with the representatives of the nuclear weapon States. The updated indications of positions of these States showed that, as in the previous year, no consensus with respect to the convening of a world disarmament conference under existing conditions had been reached.

The General Assembly, during the general debates both in the plenary meetings and in the First Committee,²¹ continued to consider the question of holding a world disarmament conference. By resolution 36/91, the Assembly renewed the mandate of the *Ad Hoc* Committee and requested the Committee to maintain close contact with the representatives of the States possessing nuclear weapons in order to remain currently informed of their attitudes as well as with all other States, and to consider any possible relevant proposals and observations which might be made to the Committee, especially having in mind paragraph 122 of the Final Document of the Tenth Special Session of the General Assembly.²²

(b) Nuclear disarmament

(i) *Nuclear arms limitation and disarmament*

As in 1980, divergent approaches continued to mark the consideration of questions related to nuclear arms limitation and disarmament. The deliberations on the question were, even more than in previous years, characterized by a high degree of controversy: serious differences persisted among the nuclear weapon States with respect to a number of fundamental issues and the search for common grounds had been further complicated by developments in the international situation.

The General Assembly, at its thirty-sixth session, adopted a number of resolutions on measures in the field of nuclear arms limitation, some of which have been dealt with above.²³ By resolution 36/92 I, the Assembly recalled its declaration 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 use of nuclear weapons should be prohibited pending nuclear disarmament.²⁴

(ii) *Cessation of nuclear-weapon tests*

In the eyes of many States, 1981 was a year of continued deadlock; not only did it prove impossible to start negotiations in the Committee on Disarmament on the cessation of nuclear-weapon tests, but the tripartite negotiations between the Soviet Union, the United Kingdom and the United States, which halted in 1980, were not resumed. To overcome the impasse in the Committee on Disarmament, many members proposed the establishment of an *ad hoc* working group on the matter; however, the Committee was unable to find consensus on the creation of such a working group. The resulting frustration among some members of the Committee gave rise to a move to make an addition to the rules of procedure of the Committee, so that the consensus rule could not be used to prevent the establishment of subsidiary bodies: this was subsequently reflected in General Assembly resolution 36/84.²⁵

By resolution 36/84, the Assembly further reaffirmed 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 highest priority and urged all States which had not yet done so to adhere without further delay to the Treaty Banning Nuclear Weapon Tests in the Atmosphere, in Outer Space and under Water and, meanwhile, to refrain from testing in the environments covered by that Treaty.

By resolution 36/85, the Assembly, *inter alia*, called upon the three negotiating nuclear-weapon States to resume their negotiations and to exert their best efforts to bring them to an early successful conclusion and once again 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.²⁶

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

In the course of 1981, the two major approaches to the problem of effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons remained basically unchanged. Some States continued to emphasize the importance of the unilateral declarations issued by the nuclear Powers in 1978. A majority, however, regarded them as no substitute for a common commitment embodied in a legally binding international instrument.

The Committee on Disarmament, both in plenary meetings²⁷ and in closed meetings of its *Ad Hoc* Working Group, concentrated its endeavours in 1981 on the search for a common approach or formula, which, later on, could be included in such a legally binding international instrument. There was no objection in principle to the idea of an international convention and the idea of an interim agreement was also considered, particularly an appropriate Security Council resolution.

During the debates in the General Assembly, a number of delegations expressed the hope that positive results on the question might be achieved in connexion with the Assembly's second special session on disarmament in 1982. The two resolutions adopted by the Assembly,²⁸ *inter alia*, ensured that the Committee on Disarmament would continue negotiations on the subject in 1982.

(iv) *Nuclear-weapon-free zones*

The majority of Member States continued in 1981 to believe that the establishment of nuclear-weapon-free zones was a feasible, practical and effective measure for enhancing regional security, promoting international peace and complementing the non-proliferation régime. The proposals for the establishment of such zones in various parts of the world continued to enjoy general support in the various international disarmament forums: the Disarmament Commission, the Committee on Disarmament and the General Assembly.

During 1981, a forward movement was made with regard to the Treaty of Tlatelolco with the United States becoming a party to Additional Protocol I on 23 November by depositing its instrument of ratification; thus the consideration on the subject was narrowed down to the question of the ratification of Protocol I by France, the only outside State not party to the Protocol having responsibility for territories in the Latin American region.

On the question of denuclearization of Africa, most of the African States reiterated their concern about the threat of South Africa's nuclear plan and capability to the peace and security of the continent. In this connexion, the Assembly adopted resolution 36/86 A, by which it requested the Security Council to intensify its efforts to prohibit all forms of co-operation and collaboration with the racist régime of South Africa in the nuclear field and, in particular, to institute effective enforcement action against that régime so as to prevent it from endangering international peace and security through its acquisition of nuclear weapons, and called upon all States, corporations, institutions and individuals, *inter alia*, to terminate forthwith all military and nuclear collaboration with the racist régime.²⁹ The proposal for a nuclear-weapon-free zone in the Middle East continued to be overwhelmingly supported by Member States, and the Israeli military attack on the Iraqi nuclear installations in June of the year, although subject of intense debate, was equally strongly condemned. The proposal for the establishment of a nuclear-weapon-free zone in South Asia continued to receive the support of most Member States, and the General Assembly adopted a resolution, *inter alia*, reaffirming its endorsement of the concept of a nuclear-weapon-free zone in South Asia,³⁰ despite the differences in views that persisted, particularly between India and Pakistan, and the recognition that all States of the region should be in accord if the proposal for such a zone was to be implemented.

(v) *International co-operation in the peaceful uses of nuclear energy*

Questions relating to the peaceful uses of nuclear energy have, over the years, occupied a prominent place in international debate, both within and outside the framework of the United Nations. As a result of those discussions an awareness developed of the pressing need for an

international consensus in the field. In that connexion, the General Assembly in 1980 decided, by its resolution 35/112, to convene in 1983 the United Nations Conference for the Promotion of International Co-operation in the Peaceful Uses of Nuclear Energy, and to establish for that purpose a preparatory committee for the Conference.

In 1981, the Preparatory Committee was established³¹ and preparatory work was started in earnest. Although the Committee at its first session concentrated primarily on organizational matters and the preparation of its programme of work, the Committee's report to the General Assembly at its thirty-sixth session provided a valuable opportunity for broadening the understanding between recipient and supplier countries on the problems ahead. On the whole, the debate also contributed to clarification of the positions of the parties on basic questions, particularly that of how to further international co-operation in the peaceful uses of nuclear energy without increasing the dangers of nuclear proliferation.

By its resolution 36/78, adopted without a vote, the Assembly decided that the United Nations Conference for the Promotion of International Co-operation in the Peaceful Uses of Nuclear Energy shall be held at Geneva from 29 August to 9 September 1983.

(c) Prohibition or restriction of use of other weapons

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

In accordance with its programme of work and in pursuance of General Assembly resolution 35/144 B, the Committee on Disarmament continued negotiations towards a multilateral instrument on the total prohibition of chemical weapons. Most of the work in 1981 was conducted in closed meetings of the *Ad Hoc* Working Group on Chemical Weapons re-established by the Committee at the beginning of the year with the same mandate which it had had the previous year. Although many delegations expressed regret that the Group's mandate was not widened to enable it to initiate negotiations on the text of a convention on chemical weapons, the Working Group nevertheless carried out a detailed examination of the issues to be dealt with in the negotiations on a multilateral convention and it considered draft elements to be included in such a convention.³²

Discussions in other forums in 1981 brought mixed results. In the General Assembly, for the first time in many years, the resolution on the continuation in the Committee on Disarmament of negotiations on a chemical weapons ban did not achieve consensus.³³ Furthermore, the bilateral negotiating process between the Soviet Union and the United States was interrupted, with both countries making acrimonious charges and countercharges, and the United States voted against a resolution, initiated by Eastern European States and others, calling, *inter alia*, for the resumption of the bilateral talks and for States to refrain from production of new types of chemical weapons, since it regarded the proposal as designed to preclude it from redressing an existing imbalance.³⁴

Finally, the investigation begun in 1981 by the Secretary-General, with the help of experts, to ascertain the facts pertaining to reports on alleged use of chemical weapons in certain parts of the world was inconclusive and the Assembly asked that the investigation be continued in 1982. The United States, in particular, considered that decision to be very important. On the other hand, the Soviet Union and its allies believed that investigation of what they viewed as constructed allegations and unfounded rumours was intended to draw public attention from the negotiations on a chemical weapons ban and to justify the development by the United States of new types of such weapons.

(ii) *New weapons of mass destruction*

As in previous years, proposals concerning the prohibition of the development and manufacture of new weapons of mass destruction and new systems of such weapons received considerable recognition and support in 1981, particularly in the Committee on Disarmament³⁵ and the General Assembly.³⁶ Nevertheless, the two established approaches to the question remained divergent as in other recent years and no substantial progress was made.

In the Committee on Disarmament a proposal to establish a group of governmental experts on the question failed to obtain consensus. Instead, the Committee agreed to hold informal meetings, with the participation of qualified governmental experts.

In the General Assembly, the Eastern European States supported a proposal of the Soviet Union that States permanent members of the Security Council and other militarily significant States should make declarations, identical in substance, renouncing the creation of such new weapons and systems as a first step towards the conclusion of a comprehensive agreement on the subject. Western States, on the other hand, while recognizing the need to preclude the development of new weapons of mass destruction, continued to favour agreements on specific weapons as the possibility of their emergence could be clearly identified.

(iii) *Radiological weapons*

As in the previous year, the Committee on Disarmament³⁷ started its work in 1981 with a certain amount of optimism concerning the possibility of concluding the negotiations on a radiological weapons convention on the basis of the 1979 joint proposal by the Soviet Union and the United States,³⁸ but it turned out that divergent views on the matter were serious enough to prevent that possibility from materializing.

The main new development was the Swedish proposal on the prohibition of attack on civilian nuclear installations in order to prevent the possibility of a massive release of radioactive material. The proposal was supported by a number of States, but others objected to its incorporation in the text of the envisaged convention, partly because it would enlarge the scope of the convention beyond what had been originally intended and partly because it would involve time-consuming negotiations with various new implications.

In the General Assembly, the main discussion on the question of radiological weapons took place in the First Committee.³⁹ Although the discussion was mostly a reiteration of views already stated in the Committee on Disarmament, some narrowing-down of the differences was achieved during the course of the negotiations, and some hope remained at the conclusion of the thirty-sixth session that the agreed text of a draft convention might be submitted to the Assembly at its second special session devoted to disarmament.

In its resolution on the subject,⁴⁰ the Assembly again called upon the Committee on Disarmament to continue negotiations with a view to an early conclusion of the elaboration of a treaty prohibiting the development, production, stockpiling and use of radiological weapons in order that it might be submitted if possible to the General Assembly at its second special session devoted to disarmament.

(iv) *Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects*

The rules embodied in the Convention on certain inhumane weapons and the three annexed Protocols fall short of the original hopes and expectations of many countries. Nevertheless, the results achieved may be regarded as optimism in the prevailing international situation and can be considered a significant step in the development of humanitarian law to reduce the suffering of victims of armed conflicts.

A large number of countries signed the Convention at the time of its opening for signature on 10 April 1981, and others between then and the end of the year. Many delegations have expressed the hope that States become parties to it as soon as possible so that it might enter into force in the near future. In this connexion, the General Assembly adopted its resolution 36/93, without a vote, by which it urged those States which had not yet done so to exert their best endeavours to sign and ratify the Convention and the Protocols annexed thereto as early as possible so as to obtain the entry into force of the Convention, and ultimately its universal adherence.

(v) *Prohibition of the stationing of weapons and prevention of an arms race in outer space*

In 1978, the General Assembly, in the Final Document of its tenth special session, recognized the inherent dangers of a potential arms race in outer space and called for further measures to be taken and appropriate international negotiations to be held in order to prevent such an occurrence.⁴¹

Thereafter, in December 1979, the General Assembly commended, by its resolution 34/68, a further instrument of international law concerning outer space, namely, the Agreement Governing Activities of States on the Moon and Other Celestial Bodies, and annexed the text of the Agreement to the resolution. That Agreement describes the moon and its natural resources as the common heritage of mankind, and elaborates in greater detail than the 1967 Treaty the obligations of States to ensure that the moon and other celestial bodies within the solar system are used exclusively for peaceful purposes. In 1968, the first United Nations Conference on the Exploration and Peaceful Uses of Outer Space was held in Vienna. In recent years, the General Assembly has adopted a series of resolutions regarding the holding of a second United Nations Conference on the same subject. The first of these was resolution 33/16 of 10 November 1978,⁴² by which the Assembly decided to convene the second United Nations Conference and to have the Committee on the Peaceful Uses of Outer Space act as the Preparatory Committee for the Conference. As a result of the action taken under the item by the General Assembly in 1981, with its adoption of resolution 36/36 of 18 November, the Second United Nations Conference on the Exploration and Peaceful Uses of Outer Space was scheduled to be held in Vienna from 9 to 21 August 1982.

In the course of the debates in the General Assembly and, especially, the First Committee,⁴³ in 1981, a number of Member States expressed concern that rapid advances in science and technology had made the extension of the arms race into the region of outer space a very real possibility. Several noted that in spite of the existence of a number of international agreements, such as the outer space Treaty of 1967 prohibiting nuclear and other weapons of mass destruction from being placed in fixed orbit, new kinds of weapons were still being developed. The majority of speakers who addressed the issue felt that the time had come to consider seriously further measures to halt the trend towards the militarization of outer space.

The two resolutions adopted by the Assembly on the disarmament aspect of the question indicate the possible emergence in the future of somewhat different approaches by Eastern European States on the one hand and Western States on the other to the question of precluding an arms race in outer space. The Eastern European approach, derived from the Soviet request for a specific new agenda item on the subject, focused in 1981 on a broad treaty to prohibit the stationing of weapons of any kind in outer space, and the Assembly, by the resolution adopted under the item,⁴⁴ called specifically for the Committee on Disarmament to embark on negotiations on such a treaty. The Western approach, on the other hand, placed emphasis on the contribution of satellites in the verification of disarmament agreements and in promoting peace, stability and international co-operation, and also on the specific question of anti-satellite systems. By the corresponding resolution⁴⁵ the Assembly requested the Committee on Disarmament to consider the question of negotiating verifiable agreements aimed at preventing an arms race in space, taking into account existing and future proposals and, as a matter of priority, to consider the question of an agreement to prohibit anti-satellite systems.

2. OTHER POLITICAL AND SECURITY QUESTIONS

(a) Development and strengthening of good-neighbourliness between States

In its resolution 36/101, which it adopted upon the recommendation of the First Committee,⁴⁶ the General Assembly, *inter alia*, invited the United Nations organs, bodies and programmes, as well as the specialized agencies within their fields of competence, to continue to inform the Secretary-General of the aspects of their activities relevant to the development of relations of good-neighbourliness between States and requested the Secretary-General to submit to the Assembly at its thirty-seventh session, on the basis of the replies of States and of the views expressed during the thirty-sixth session, as well as of comments of specialized agencies, a report containing an orderly presentation of the views and suggestions received concerning the content of good-neighbourliness, as well as ways and modalities to enhance it.

(b) Implementation of the Declaration on the Strengthening of International Security⁴⁷

In its resolution 36/102, which it adopted upon the recommendation of the First Committee,⁴⁸ the General Assembly, *inter alia*, urged all States to abide strictly, in their international relations, by their commitment to the Charter; called upon all States to contribute effectively to the implementation of the Declaration on the Strengthening of International Security; urged all States, in particular the members of the Security Council, to undertake all necessary measures to prevent the further aggravation of the international situation and disruption of the process of détente; requested the Security Council to examine all existing mechanisms and to propose new ones aimed at enhancing the authority and enforcement capacity of the Council in accordance with the Charter; reiterated the need for the Security Council, particularly its permanent members, to ensure the effective implementation of its own decisions in compliance with the relevant provisions of the Charter; reaffirmed again the legitimacy of the struggle of peoples under colonial domination, foreign occupation or racist régimes and their inalienable rights to self-determination and independence; and reiterated its support for the Declaration of the Indian Ocean as a Zone of Peace and expressed the hope that the Conference on the Indian Ocean will be held not later than in the first half of 1983.

(c) Declaration on the Inadmissibility of Intervention and Interference in the Internal Affairs of States

By its resolution 36/103, which it adopted upon the recommendation of the First Committee,⁴⁹ the General Assembly, *inter alia*, approved the Declaration on the Inadmissibility of Intervention and Interference in the Internal Affairs of States, the text of which is reproduced below, and requested the Secretary-General to ensure the widest dissemination of this Declaration to States, the specialized agencies and other organizations in association with the United Nations and other appropriate bodies.

DECLARATION ON THE INADMISSIBILITY OF INTERVENTION AND INTERFERENCE
IN THE INTERNAL AFFAIRS OF STATES

The General Assembly,

Reaffirming, in accordance with the Charter of the United Nations, that no State has the right to intervene directly or indirectly for any reason whatsoever in the internal and external affairs of any other State,

Reaffirming further the fundamental principle of the Charter that all States have the duty not to threaten or use force against the sovereignty, political independence or territorial integrity of other States,

Bearing in mind that the establishment, maintenance and strengthening of international peace and security are founded upon freedom, equality, self-determination and independence, respect for the sovereignty of States, as well as permanent sovereignty of States over their natural resources, irrespective of their political, economic or social systems or the levels of their development,

Considering that full observance of the principle of non-intervention and non-interference in the internal and external affairs of States is of the greatest importance for the maintenance of international peace and security and for the fulfilment of the purposes and principles of the Charter,

Reaffirming, in accordance with the Charter, the right to self-determination and independence of peoples under colonial domination, foreign occupation or racist régimes,

Stressing that the purposes of the United Nations can be achieved only under conditions where peoples enjoy freedom and States enjoy sovereign equality and comply fully with the requirements of these principles in their international relations,

Considering that any violation of the principle of non-intervention and non-interference in the internal and external affairs of States poses a threat to the freedom of peoples, the sovereignty,

political independence and territorial integrity of States and to their political, economic, social and cultural development, and also endangers international peace and security.

Considering that a declaration on the inadmissibility of intervention and interference in the internal affairs of States will contribute towards the fulfilment of the purposes and principles of the Charter,

Considering the provisions of the Charter as a whole and taking into account the resolutions adopted by the United Nations relating to that principle, in particular those containing the Declaration on the Strengthening of International Security, the Declaration on the Inadmissibility of Intervention in the Domestic Affairs of States and the Protection of Their Independence and Sovereignty, the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations and the Definition of Aggression,

Solemnly declares that:

1. No State or group of States has the right to intervene or interfere in any form or for any reason whatsoever in the internal and external affairs of other States.

2. The principle of non-intervention and non-interference in the internal and external affairs of States comprehends the following rights and duties:

I

(a) Sovereignty, political independence, territorial integrity, national unity and security of all States, as well as national identity and cultural heritage of their peoples;

(b) The sovereign and inalienable right of a State freely to determine its own political, economic, cultural and social systems, to develop its international relations and to exercise permanent sovereignty over its natural resources, in accordance with the will of its people, without outside intervention, interference, subversion, coercion or threat in any form whatsoever;

(c) The right of States and peoples to have free access to information and to develop fully, without interference, their system of information and mass media and to use their information media in order to promote their political, social, economic and cultural interests and aspirations, based, *inter alia*, on the relevant articles of the Universal Declaration of Human Rights and the principles of the new international information order;

II

(a) The duty of States to refrain in their international relations from the threat or use of force in any form whatsoever to violate the existing internationally recognized boundaries of another State, to disrupt the political, social or economic order of other States, to overthrow or change the political system of another State or its Government, to cause tension between or among States or to deprive peoples of their national identity and cultural heritage;

(b) The duty of a State to ensure that its territory is not used in any manner which would violate the sovereignty, political independence, territorial integrity and national unity or disrupt the political, economic and social stability of another State; this obligation applies also to States entrusted with responsibility for territories yet to attain self-determination and national independence;

(c) The duty of a State to refrain from armed intervention, subversion, military occupation or any other form of intervention and interference, overt or covert, directed at another State or group of States, or any act of military, political or economic interference in the internal affairs of another State, including acts of reprisal involving the use of force;

(d) The duty of a State to refrain from any forcible action which deprives peoples under colonial domination or foreign occupation of their right to self-determination, freedom and independence;

(e) The duty of a State to refrain from any action or attempt in whatever form or under whatever pretext to destabilize or to undermine the stability of another State or of any of its institutions;

(f) The duty of a State to refrain from the promotion, encouragement or support, direct or indirect, of rebellious or secessionist activities within other States, under any pretext whatsoever,

or any action which seeks to disrupt the unity or to undermine or subvert the political order of other States;

(g) The duty of a State to prevent on its territory the training, financing and recruitment of mercenaries, or the sending of such mercenaries into the territory of another State, and to deny facilities, including financing, for the equipping and transit of mercenaries;

(h) The duty of a State to refrain from concluding agreements with other States designed to intervene or interfere in the internal and external affairs of third States;

(i) The duty of States to refrain from any measure which would lead to the strengthening of existing military blocs or the creation or strengthening of new military alliances, interlocking arrangements, the deployment of interventionist forces or military bases and other related military installations conceived in the context of great-Power confrontation;

(j) The duty of a State to abstain from any defamatory campaign, vilification or hostile propaganda for the purpose of intervening or interfering in the internal affairs of other States;

(k) The duty of a State, in the conduct of its international relations in the economic, social, technical and trade fields, to refrain from measures which would constitute interference or intervention in the internal or external affairs of another State, thus preventing it from determining freely its political, economic and social development; this includes, *inter alia*, the duty of a State not to use its external economic assistance programme or adopt any multilateral or unilateral economic reprisal or blockade and to prevent the use of transnational and multinational corporations under its jurisdiction and control as instruments of political pressure or coercion against another State, in violation of the Charter of the United Nations;

(l) The duty of a State to refrain from the exploitation and the distortion of human rights issues as a means of interference in the internal affairs of States, of exerting pressure on other States or creating distrust and disorder within and among States or groups of States;

(m) The duty of a State to refrain from using terrorist practices as state policy against another State or against peoples under colonial domination, foreign occupation or racist régimes and to prevent any assistance to or use of or tolerance of terrorist groups, saboteurs or subversive agents against third States;

(n) The duty of a State to refrain from organizing, training, financing and arming political and ethnic groups on their territories or the territories of other States for the purpose of creating subversion, disorder or unrest in other countries;

(o) The duty of a State to refrain from any economic, political or military activity in the territory of another State without its consent;

III

(a) The right and duty of States to participate actively on the basis of equality in solving outstanding international issues, thus actively contributing to the removal of causes of conflict and interference;

(b) The right and duty of States fully to support the right to self-determination, freedom and independence of peoples under colonial domination, foreign occupation or racist régimes, as well as the right of these peoples to wage both political and armed struggle to that end, in accordance with the purposes and principles of the Charter;

(c) The right and duty of States to observe, promote and defend all human rights and fundamental freedoms within their own national territories and to work for the elimination of massive and flagrant violations of the rights of nations and peoples, and, in particular, for the elimination of *apartheid* and all forms of racism and racial discrimination;

(d) The right and duty of States to combat, within their constitutional prerogatives, the dissemination of false or distorted news which can be interpreted as interference in the internal affairs of other States or as being harmful to the promotion of peace, co-operation and friendly relations among States and nations;

(e) The right and duty of States not to recognize situations brought about by the threat or use of force or acts undertaken in contravention of the principle of non-intervention and non-interference.

3. The rights and duties set out in this Declaration are interrelated and are in accordance with the Charter.
4. Nothing in this Declaration shall prejudice in any manner the right to self-determination, freedom and independence of peoples under colonial domination, foreign occupation or racist régimes, and the right to seek and receive support in accordance with the purposes and principles of the Charter.
5. Nothing in this Declaration shall prejudice in any manner the provisions of the Charter.
6. Nothing in this Declaration shall prejudice action taken by the United Nations under Chapters VI and VII of the Charter.

(d) Implementation of the Declaration on the Preparation of Societies for Life in Peace⁵⁰

In its resolution 36/104, which it adopted upon the recommendation of the First Committee,⁵¹ the General Assembly, *inter alia*, solemnly invited all States to intensify their efforts towards the implementation of the Declaration on the Preparation of Societies for Life in Peace by strictly observing the principles enshrined in the Declaration and taking all necessary steps towards that end at the national and international levels and reiterated its appeal for concerted action on the part of Governments, the United Nations and the specialized agencies, to give tangible effect to the supreme importance and need of establishing, maintaining and strengthening a just and durable peace for present and future generations.

(e) 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 twentieth session from 16 March to 10 April 1981 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; consideration of the possibility of supplementing the norms of international law relevant to the use of nuclear power sources in outer space; and 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. The Sub-Committee considered the first two items on a priority basis.

The Sub-Committee's Working Group on remote sensing continued to review the texts of the draft principles on remote sensing of the earth from outer space.⁵³ The Working Group considered all but Principles II-X, which were not specifically discussed although references were made by some delegations to some of these principles in the course of the discussion of other principles. During the session two working papers were submitted.⁵⁴ There was only a brief and preliminary exchange of views on the working paper submitted by the delegation of Mexico. The Working Group did not complete its consideration of the draft principles.

The Sub-Committee's Working Group on direct television broadcast satellites continued its consideration of the texts of the draft principles on the use by States of artificial earth satellites for direct television broadcasting as they appeared at the conclusion of the nineteenth session of the Sub-Committee (A/AC.105/271, annex 1, appendix). The Working Group held preliminary discussions on the questions of "State responsibility" and "consultation and agreements between States". The remainder of the draft principles were not discussed. Later, informal consultations were held in the hope of reaching agreement on a text to be considered by Governments and the parent body. However, no consensus was reached.

At the first meeting of its twentieth session, the Sub-Committee established a Working Group for consideration of the possibility of supplementing the norms of international law relevant to the use of nuclear power sources in outer space. In this connexion the Working Group had before it the Report of the Legal Sub-Committee on its nineteenth session (A/AC.105/271), the Report of the Scientific and Technical Sub-Committee on its eighteenth session (A/AC.105/287) and three working papers that were submitted in the course of the discussions.⁵⁵ The Working Group felt

that its consideration of the agenda item would provide a useful and constructive basis for the continuation of work on that item at the twenty-first session of the Legal Sub-Committee.

The Sub-Committee considered in plenary the question of the definition and/or delimitation of outer space and outer space activities, bearing in mind, *inter alia*, questions relating to the geostationary orbit. During the discussion, a proposal was made to divide the agenda item into two separate items, one on the question of the definition and/or delimitation of outer space and another on the question of the geostationary orbit. The Sub-Committee, however, decided that it would refer the matter for determination to the Committee on the Peaceful Uses of Outer Space.

The Committee on the Peaceful Uses of Outer Space at its twenty-fourth session, held at United Nations Headquarters from 22 June to 2 July 1981,⁵⁶ took note with appreciation the report of the Legal Sub-Committee on its twentieth session and made recommendations as to the work to be done by the Sub-Committee at its twenty-first session in 1982.

At its thirty-sixth session, the General Assembly adopted on the recommendation of the Special Political Committee⁵⁷ resolution 36/35, 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 36/35, also adopted on the recommendation of the Special Political Committee,⁵⁸ the General Assembly, recalling its resolutions 33/16 of 10 November 1978, 34/67 of 5 December 1979 and 35/15 of 3 November 1980 concerning the convening as well as the preparation of the Second United Nations Conference on the Exploration and Peaceful Uses of Outer Space, to be held in Vienna from 9 to 21 August 1982, requested the Secretary-General of the Conference, *inter alia*, to continue fulfilling his mandate and to ensure world-wide awareness of the Conference and its objective.

3. ECONOMIC, SOCIAL, HUMANITARIAN AND CULTURAL QUESTIONS

(a) Environmental questions

Ninth session of the Governing Council of the United Nations Environment Programme⁵⁹

The Governing Council of the United Nations Environment Programme met for its ninth session from 13 to 26 May 1981. It held a general debate during which it considered the Introductory Report of the Executive Director⁶⁰ and the State of the Environment Report.⁶¹ In the course of the debate⁶² environmental law was considered to be a subject of growing importance and support was expressed for UNEP activities in that field. One delegation, particularly, welcomed the fact that UNEP planned to start work on a global convention on environmental impact assessment. A number of delegations welcomed the work done in preparing for the *ad hoc* meeting of senior Government officials expert in environmental law, to be held at Montevideo in November 1981,⁶³ which should establish a framework and set out a programme for the long-term development of environmental law with particular regard to the interests of developing countries. One suggested that the programme should be so formulated as to include the components of assessment, management and supporting measures. Others, while welcoming the holding of an informal preparatory meeting in Ottawa in 1980, thought that the priorities the participants had enumerated should be broadened to include problems specific to the developing countries in the management, protection and rational exploitation of their natural resources. Another delegation stressed that the Council should give clear guidance to the preparatory committee in developing the agenda for the *ad hoc* meeting and expressed the hope that the preparatory process would result in the identification of issues and discussion topics which would justify its Government's participation.

Sessional Committee I dealt *inter alia* with the question of environmental law.⁶⁴ Among various views which were expressed in this connexion the following may be noted.

Several delegations welcomed the conclusions of the Working Group of Experts on Environmental Law on legal aspects concerning the environment related to offshore mining and drilling

within the limits of national jurisdiction, which, it was felt, would contribute significantly to preventing pollution resulting from the offshore exploration and exploitation of hydrocarbons and other minerals. One delegation suggested that the conclusions could be recommended to Member States as minimum criteria to be taken into account in the conduct of operations within the limits of their national jurisdiction; another argued that they needed careful study before being incorporated in national legislation and another said that they should not be adopted until after they had been circulated to Governments for comment. Another expressed reservations with regard to the conclusions of the meeting on the grounds that they did not take account of the responsibilities of States in respect of ecological damage.

One delegation expressed reservations as to the value to UNEP of the proposed biannual meetings of environmental law experts for the consideration of new research programme requirements, and further felt that the proposed seminar for universities teaching environmental law could be deferred without undue loss, although another delegation called for improved training facilities in environmental law.

A few delegations expressed concern over the development by UNEP of legal principles for the guidance of States. One stressed that UNEP should confine itself to developing guidelines rather than principles; the responsibility for identifying shared natural resources rested with States, and UNEP should limit its involvement to consultations with Governments and reporting to the General Assembly. Other delegations, however, welcomed the draft principles of conduct for the guidance of States in the conservation and harmonious exploitation of natural resources shared by two or more States, and urged that they be adopted as soon as possible.

One delegation noted with approval the topics scheduled for discussion by the *ad hoc* meeting of Senior Government Officials expert in Environmental Law (Montevideo) and requested the inclusion of an additional item, "Development of environmental law for the protection of national resources". Another delegation said that full recognition of developing countries' efforts to reconcile environmental considerations with their socio-economic development priorities should be the prime consideration in the development of environmental law at all levels, global, regional or national, and the *ad hoc* meeting should select priority areas for inclusion in the environmental law chapter of the system-wide medium-term environment programme on that basis, while ensuring that the chapter reflected priorities acceptable to both developed and developing countries. One delegation emphasized in that connexion the importance of the formulation of guidelines and the provision of assistance for the development of national environmental legislation and regulations, as well as of procedures for environmental assessment, which, if elevated into a universally accepted legal instrument, with varying approaches appropriate to different levels of concern, and particularly to the practical needs of developing countries, would be a major step forward in the progressive development of environmental law.

The importance of UNEP ensuring that the specific objectives and strategies of the medium-term plan were consistent with the intent of the over-all objective of the programme was stressed. One delegation expressed reservations in connexion with several strategy elements of the plan, for example, the references to the application of conventions which were not yet in existence and, with respect to the law of the sea, the promotion of environmentally sound application of a treaty which had not yet been adopted. Environmental law should be properly only one aspect of environmental policy, and not be considered a subject in itself. Another delegation said that legal guidelines should not be established until a national scientific basis for them had first been established.

At its 9th meeting on 26 May 1981, the Governing Council adopted decision 9/10 C entitled "Environmental Law" whereby the Council, *inter alia*, expressed the wish to assist Governments in promoting legal protection of the environment against marine pollution caused by offshore mining and drilling within the limits of national jurisdiction. To that effect it took note of the conclusions of the study, containing guidelines on offshore mining and drilling within the limits of national jurisdiction, annexed to the report of the Working Group of Experts on Environmental Law on the work of its eighth session⁶⁵ and it recommended that States consider the guidelines when formulating national legislation or undertaking the negotiations for the conclusion of international agreements for the prevention of pollution of the marine environment caused by offshore mining and drilling within the limits of national jurisdiction.

Furthermore, at the same meeting, the Governing Council adopted decision 9/19, also entitled "Environmental law", in part A of which the Council, *inter alia*, decided that, further to General Assembly resolution 35/74 of 5 December 1980, the *Ad Hoc* Meeting of Senior Government Officials Expert in Environmental Law would take place at Montevideo in November 1981 and that the Working Group of Experts on Environmental Law, acting as the preparatory committee for the *Ad Hoc* Meeting, would meet at Geneva for two weeks early in September 1981. It further decided that the mandate of the *Ad Hoc* Meeting would be:

(a) To establish a framework and methods for the development and periodic review of environmental law, by focusing upon: (i) the identification of major subject areas — such as marine pollution from land-based sources, protection of the ozone layer and disposal of hazardous wastes — suitable for increased global and regional co-ordination and co-operation in elaborating environmental law, with particular regard to the interests of developing countries; (ii) the promotion of guidelines or, where appropriate, of principles, or the conclusion of bilateral, regional or multilateral agreements, in relation to such subject areas; (iii) the identification of other subject areas which could be susceptible to the development of such guidelines, principles or agreements; (iv) the identification of subject areas suitable for the elaboration of preventive measures as well as other mechanisms for the implementation of environmental law, including the improvement of remedies available to the victims of pollution; (v) the means for the promotion and provision of technical assistance to developing countries in the field of environmental law; and (vi) the identification of means by which environmental law could increasingly be included in curricula; (b) to set out a programme, including global, regional and national efforts, in furtherance of the above elements.

Moreover, by its decision 9/10 part A adopted also at its 9th meeting on 26 May 1981 the Governing Council, *inter alia*, took note of the report on international conventions and protocols in the field of the environment⁶⁶ and authorized the Executive Director to transmit it, together with the fourth supplement to the list of such conventions and protocols,⁶⁷ to the General Assembly at its thirty-sixth session, in accordance with Assembly resolution 3436 (XXX) of 9 December 1975. For its part, the General Assembly of the United Nations adopted without a vote on the recommendation of the Second Committee⁶⁸ resolution 36/192 of 17 December 1981 whereby the Assembly, *inter alia*, took note of the Report of the Governing Council on the work of its ninth session⁶⁹ and the decisions adopted by the Council at that session;⁷⁰ took account of the note by the Secretary-General on international conventions and protocols in the field of the environment;⁷¹ and welcomed the convening of an *Ad Hoc* Meeting of Senior Government Officials Expert in Environmental Law at Montevideo, from 28 October to 6 November 1981.

Status and implementation of the Convention on Long-Range Transboundary Air Pollution

In 1981, 7 States became parties to the Convention on Long-Range Transboundary Air Pollution concluded at Geneva on 13 November 1979.

(b) Office of the United Nations High Commissioner for Refugees⁷²

During the reporting period, while some developments in the field of the international protection of refugees have certainly been positive, the more general context contains elements which necessarily gave rise to concern. With reference to the institution of asylum, for instance, during the reporting period countries in various parts of the world were confronted with increasing requests for asylum. While large numbers of refugees were granted admission on a durable basis, the overall trend has been for States to pursue more restrictive policies with regard to the finding of durable solutions for refugees and asylum-seekers. In certain parts of the world, asylum-seekers are admitted as a matter of principle on a temporary basis only.

It is, of course, important that the principle of asylum — whether it be granted as a durable solution or only on a temporary basis — be applied in an even-handed and non-discriminatory manner. The need for States to accord refugees the benefits of universally accepted principles of protection without discrimination as to race, religion or country of origin is recognized in the major

international refugee instruments, viz. the 1951 United Nations Refugee Convention, the 1967 Protocol and the 1969 OAU Convention Governing the Specific Aspects of Refugee Problems in Africa. The High Commissioner was therefore concerned to note that during the period under review several countries were more restrictive in their approach to asylum requests from certain groups than they were with regard to others.

At the treaty-making level, the institution of asylum has been further strengthened. An important event in this regard was the adoption in July 1981 of the African Charter of Human and Peoples' Rights, which recognizes the right of every individual, when persecuted, to seek and obtain asylum.⁷³ The Universal Islamic Declaration on Human Rights, adopted in September 1981, is also of significance in that it states that every persecuted or oppressed person has the right to seek refuge and asylum, irrespective of race, religion, colour or sex.⁷⁴

On the national level, new laws and administrative measures concerning the admission of refugees or procedures for determining refugee status — which, of course, are of relevance to asylum — were adopted in a number of countries during the reporting period. Legislation enacted by Japan, pursuant to its accession to the 1951 United Nations Refugee Convention and the 1967 Protocol, contains a provision concerning the grant of temporary asylum to persons arriving by sea and also provides for the possibility of granting permanent residence to recognized refugees. Amendments to immigration legislation adopted by Australia during 1981 also specifically mention persons recognized as refugees as being eligible for permanent residence in that country. A decree establishing a national refugee commission for the purpose of examining asylum requests was adopted in Panama, and in Belgium revised aliens legislation containing more liberal provisions relating to asylum came into force. In Africa, draft legislation on the admission of refugees is under consideration in Burundi, Kenya, Zambia and Zimbabwe and in several of these countries such legislation has reached an advanced stage of preparation. In Swaziland, comprehensive guidelines were issued for the grant of asylum and determination of refugee status.

Concerning the principle of *non-refoulement*, it is disappointing to record that during the reporting period asylum-seekers were forcibly returned to countries where they were in danger of persecution or even in risk of their lives.

With reference to the circumstances in which the activities of a refugee may lead the country of asylum to envisage his or her expulsion it is to be noted that the 1951 United Nations Refugee Convention permits expulsion only in very exceptional circumstances, i.e. when factors of national security or public order are invoked. The United Nations High Commissioner for Refugees seeks to ensure that measures of expulsion should only be taken in respect of a refugee if these are clearly justified, and that the refugee can benefit from the procedural guarantees provided for in article 32 of the 1951 United Nations Refugee Convention. The High Commissioner is encouraged to report that comparatively few refugees were subjected to expulsion measures from their country of asylum during the reporting period and that, in those cases where expulsion was resorted to, the circumstances involved were of a serious nature. The Office of the High Commissioner encourages the inclusion by States in their refugee or aliens legislation of provisions delimiting the circumstances in which an expulsion order may be issued against a refugee. In Portugal, an article contained in the Decree Law on Entry, Residence, Departure and Expulsion of Aliens adopted in 1981 specifies that the measures of expulsion shall only be taken with regard to refugees in conformity with the international refugee instruments to which Portugal is a party. Provisions along similar lines are contained in draft refugee legislation currently under consideration by a number of other countries.

With regard to the physical safety of refugees and asylum-seekers it is to be noted that threats to and violations of the physical safety of refugees and asylum-seekers have continued and, to a certain extent, intensified during 1981. Problems in this connexion included pirate attacks on asylum-seekers in the South China Sea and the conditions of treatment of refugees in camps of certain parts of the world where there is an international presence.

The reporting period has also witnessed an increasing number of incidents in which refugees and asylum-seekers were detained on account of their illegal entry or presence in a country of asylum.

The Office has found that refugees are frequently detained because, pending clarification of their status, they are regarded as illegal immigrants. It should be recalled in this connexion that

article 31 of the 1951 United Nations Refugee Convention provides that States should not impose penalties on refugees on account of their illegal entry or presence, nor should they apply to the movements of such refugees restrictions other than those which are necessary and these only until their status is regularized or admission is obtained into another country.

With reference to the granting of economic and social rights to refugees, as in the past years, the practices of States have varied widely.

Concerning the granting of documentation to refugees, particularly identity documents, it should be noted that during 1981 identity cards were issued to refugees on a large scale in a number of countries. In Pakistan, all recognized refugees were issued with one of several types of identity document. In Honduras, identity cards were issued to all refugees assisted by UNHCR in the border regions. In Malaysia, as in past years, identity cards were issued to all arriving Indo-Chinese refugees awaiting resettlement. Programmes for the issue of identity documentation were also undertaken in Kenya, the Sudan and Zambia; in Kenya, refugees were also exempted from the payment of fees for the issuance and renewal of their Aliens Registration Certificate. In Somalia and the United Republic of Tanzania, agreement was reached between UNHCR and the competent authorities for the issue of identity documentation to refugees lawfully residing in these two countries.

With reference to the determination of refugee status, during the reporting period a number of Governments have adopted a more restrictive approach than in previous years. In some countries, that development involved an assumption that certain groups of asylum-seekers were *a priori* ineligible for refugee status. Elsewhere, it involved more onerous standards of proof being required of certain categories of asylum-seekers. Measures for establishing determination of refugee status procedures were adopted in a number of countries during the reporting period. In Japan, such a procedure was provided for in legislation adopted to implement the 1951 United Nations Convention. In Panama, a decree was adopted during 1981 creating an interministerial refugee commission whose functions include the determination of refugee status. National refugee commissions with similar functions were set up in Honduras and Belize, and in the United Republic of Tanzania a decision was taken to establish a body for determining refugee status during 1982. In other countries, existing procedures for identifying refugees were streamlined or modified. In Australia, improved procedures were adopted with a view to ensuring a more thorough examination of asylum applications. In Canada the recommendations of a task force specially established for the purpose resulted in the adoption of new guidelines for implementing the procedures which can be regarded as exemplary. In the European context, an important development was the adoption by the Council of Europe of a Recommendation on the Harmonization of National Procedures relating to Asylum.⁷⁵ This recommendation reflects and further develops the basic requirements for refugee status determination procedures which were identified by the Executive Committee at its twenty-eighth session⁷⁶ and thus provides asylum-seekers with additional guarantees for a fair and equitable hearing of their applications. In Costa Rica, administrative regulations were issued which detail the documentary evidence required of applicants for refugee status in support of their claim.

One of the basic functions of the Office of the High Commissioner, as defined in the statute of the Office, is to facilitate the voluntary repatriation of refugees as the best solution for the refugee problem. Where voluntary repatriation is excluded or is not feasible in the foreseeable future, the acquisition by refugees of the nationality of their country of asylum is another of the accepted solutions to refugee problems. During the reporting period, in certain parts of the world large numbers of refugees sought and obtained the nationality of their country of residence. In the United Republic of Tanzania, a programme was completed involving the naturalization of some 36,000 former Rwandese refugees. In certain countries of traditional immigration, refugees continued to benefit from provisions which enable immigrants to acquire nationality within a relatively short period of time. In other countries, the pattern was for very few requests for naturalization to be submitted or granted. The legislation of a number of countries takes special account of the circumstances of the refugees either by reducing the period of residency that is required of an ordinary alien to obtain citizenship or by waiving other formal requirements. Measures of this kind are of course envisaged by article 34 of the 1951 United Nations Refugee Convention, which calls upon

States parties to make every effort to expedite naturalization proceedings (for refugees) and to reduce as far as possible the charges and costs of such proceedings.

Some positive results can also be recorded during the reporting period in the area of family reunification.

With reference to the international instruments regulating the problem of refugees, it should be noted that during the reporting period, as in the past, the High Commissioner frequently relied on his statute to determine which persons fell within his competence and were thus entitled to international protection. In some cases, such determination involved individuals while in others it related to groups of refugees. Determination of refugee status under the UNHCR statute is frequently resorted to in countries where refugee problems occur but where the basic international refugee instruments are not applicable.⁷⁷ With reference to the basic international refugees instruments, it should be pointed out that, during 1981, 8 more States became parties to the 1951 Convention relating to the Status of refugees⁷⁸ and 8 more States became parties to the 1967 Protocol relating to the status of refugees.⁷⁹

Within the regional level, in Africa, where the legal status of the refugee is well defined in the 1969 OAU Convention Governing the Specific Aspects of Refugee Problems in Africa, the institution of asylum has been further strengthened by the incorporation of a provision on asylum in the African Charter on Human and Peoples' Rights. That charter was adopted in Nairobi in 1981 and specifically affirms the right of every individual, when persecuted, to seek and obtain asylum. In Latin America, an extensive legal framework of relevance to refugees has been developed over the years by the adoption of a number of inter-American conventions relating to asylum.

In the Council of Europe an important development was the adoption on 5 November 1981 by the Committee of Ministers of a Recommendation on the Harmonization of National Procedures relating to asylum which strengthens and expands upon the various criteria accepted to date at the international level. Further accessions to the European Agreement on the Abolition of Visas and the European Agreement on the Transfer of Responsibility for Refugees were recorded during 1981.

With reference to refugee law, in general, it should be pointed out that efforts to promote the teaching of international protection as a separate branch of international law have gained impetus in recent years.

By its resolution 36/125 of 14 December 1981 adopted without a vote on the recommendation of the Third Committee⁸⁰ the General Assembly, *inter alia*, noted with satisfaction that a growing number of States had acceded to the 1951 Convention⁷⁸ and the 1967 Protocol relating to the status of Refugees;⁷⁹ reaffirmed the fundamental nature of the High Commissioner's function to provide international protection and the importance of promoting durable and speedy solutions in consultation and agreement with the countries concerned, through voluntary repatriation or return and subsequent assistance in rehabilitation and, whenever appropriate, integration in countries of asylum or resettlement in other countries of refugees and displaced persons of concern to the Office of the High Commissioner; and urged Governments to intensify their support for activities which the High Commissioner is carrying out in accordance with his mandate and relevant resolutions of the General Assembly and the Economic and Social Council, especially by facilitating the High Commissioner's efforts in the field of international protection, in particular by scrupulously observing the principle of asylum and *non-refoulement* and by protecting asylum-seekers in situations of large-scale influx, as endorsed by the Executive Committee of the Programme of the High Commissioner at its thirty-second session.⁸¹ Furthermore, by its resolution 36/124 of 14 December 1981 adopted without a vote also on the recommendation of the Third Committee,⁸² the General Assembly, recalling its resolution 35/42 of 23 November 1980 relating to the International Conference on assistance to refugees in Africa⁸³ and having considered the report of the Secretary-General on the Conference,⁸⁴ decided *inter alia* to request 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 keep the African refugee situation under close and constant scrutiny. It also decided to request the United Nations High Commissioner for Refugees, in close co-operation with the Secretary-General

of the Organization of African Unity, to keep under constant review the situation of refugees in Africa in order to ensure maximum international assistance on a global basis.

(c) International drug control

In the course of 1981, 8 more States became parties to the 1971 Convention on Psychotropic Substances,⁸⁵ 1 more State became party to the 1972 Protocol amending the 1961 Single Convention on Narcotic Drugs⁸⁶ and 1 more State to the Single Convention on Narcotic Drugs, 1961, as amended by the Protocol of 25 March 1972 amending the Single Convention on Narcotic Drugs, 1961.⁸⁷ At its thirty-sixth session in 1980, the General Assembly received from the Economic and Social Council the report⁸⁸ containing the proposed international drug abuse control strategy requested by the General Assembly.⁸⁹ By its resolution 36/168 of 16 December 1981 adopted without a vote on the recommendation of the Third Committee,⁹⁰ the Assembly, *inter alia*, adopted the International Drug Abuse Control Strategy and basic five-year programme of action transmitted by the Economic and Social Council in its decision 1981/113 of 6 May 1981; urged that the International Drug Abuse Control Strategy and the programme of action be given priority by all Governments and be implemented as quickly as possible by the relevant bodies of the United Nations and other international organizations; and requested the Commission on Narcotic Drugs, within available resources, to establish a task force to review, monitor and co-ordinate the implementation of the international control strategy and the programme of action and to submit a report to each session or special session of the Commission on the progress made in implementing the drug strategy and programme, and to provide any recommendations it deemed necessary regarding future revision of such strategy and programme of action. Moreover, by its resolution 36/132 of 14 December 1981 adopted without a vote also on the recommendation of the Third Committee,⁹¹ the Assembly recognized the need for an effective international campaign against traffic in drugs in the context of the international drug control strategy, which would involve activities at the national, regional and international levels, with particular emphasis on, *inter alia*, the enactment of effective national legislation and the strengthening of existing legislation against drug abuse, wherever necessary, and the strengthening of law enforcement efforts and increasing co-operation at the regional and international levels.

(d) Crime prevention and criminal justice

1. *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,⁹² and in 1980 the Assembly, *inter alia*, had requested the Secretary-General to renew his request for comments and suggestions on the draft code 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.⁹³ By its resolution 36/61 of 25 November 1981 adopted without a vote, on the recommendation of the Third Committee,⁹⁴ the General Assembly, *inter alia*, took note with appreciation of the comments on the proposed principles of medical ethics and endorsed by the Executive Board of the World Health Organization which were received by the Secretary-General from Governments, specialized agencies and non-governmental organizations;⁹⁵ requested the Secretary-General to circulate among Member States for their further comments the revised draft principles of medical ethics; and decided to consider that question at its thirty-seventh session with a view to adopting the draft Principles of Medical Ethics relevant to the role of health personnel in the protection of persons against torture and other cruel, inhuman or degrading treatment or punishment.

2. *Action by the General Assembly further to the Sixth United Nations Congress on the Prevention of Crime and the treatment of offenders*

In 1980 the General Assembly had taken note with satisfaction of the report of the Sixth United Nations Congress on the Prevention of Crime and the treatment of offenders which was held at

Caracas and had endorsed the Caracas declaration contained in that report and adopted by consensus by the Congress.⁹⁶ By its resolution 36/21 of 9 November 1981 adopted by a recorded vote of 135 to none with 1 abstention on the recommendation of the Third Committee,⁹⁷ the General Assembly, *inter alia*, reaffirmed that crime prevention and criminal justice should be considered in the context of economic development, political, social and cultural systems and social values and changes, as well as in the context of the New International Economic Order; invited Member States to intensify efforts to make their criminal justice systems more responsive to changing socio-economic conditions, also through the appropriate development of indigenous forms of social control; requested the Secretary-General to take the necessary measures for the fullest implementation of the Caracas Declaration and for the appropriate preparation of the Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders and called upon the Committee on Crime Prevention and Control, entrusted with the preparation of the United Nations Congresses on the Prevention of Crime and the Treatment of Offenders, to give particular attention, in the formulation of the agenda of the Seventh United Nations Congress, to current and emerging trends in crime prevention and criminal justice, with a view to defining new guiding principles for the future course of crime prevention in the context of development needs and the goals of the International Development Strategy for the Third United Nations Development Decade and a New International Economic Order, taking into account the political, economic, social and cultural circumstances and traditions of each country and the need for crime prevention and criminal justice systems to be consonant with the principles of social justice.

(e) Human rights questions

(1) *Status and implementation of international instruments*

(i) *International Covenants on Human Rights*⁹⁸

In 1981, 5 more States became parties to the International Covenant on Economic, Social and Cultural Rights; 4 more States became parties to the International Covenant on Civil and Political Rights; and 2 more States became parties to the Optional Protocol to the International Covenant on Civil and Political Rights.

By its resolution 36/58 of 25 December 1981 adopted without a vote on the recommendation of the Third Committee,⁹⁹ the General Assembly, *inter alia*, noted with appreciation the report of the Human Rights Committee on its eleventh, twelfth and thirteenth sessions¹⁰⁰ 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; and 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 Discrimination*¹⁰¹

In 1981, 3 more States became parties to the Convention. By its resolution 36/11 of 28 October 1981 adopted without a vote on the recommendation of the Third Committee¹⁰² the General Assembly, *inter alia*, expressed its satisfaction with the increase in the number of States which had ratified the Convention or acceded thereto; 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 had not yet become parties to the Convention to ratify it or accede thereto; and appealed to States parties to the Convention to consider 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 36/12 of 28 October 1981, adopted by a recorded vote of 145 to 1, with 1 abstention, also on the recommendation of the Third Committee,¹⁰² the General Assembly, *inter alia*, called upon all Member States to adopt effective legislative, socio-economic and other necessary measures for elimination or prevention of discrimination based on race, colour, descent or national or ethnic origin; called upon the States parties to the Convention to protect fully, through the introduction of relevant legislative and other measures, the rights of national or ethnic minorities, as well as rights of indigenous populations; reiterated its grave concern that some States parties to the Convention, owing to reasons beyond their control, were being prevented from fulfilling their obligations under the Convention in parts of their respective territories; and took note with appreciation of the Committee's plans to participate in the preparations and the work of the second World Conference to Combat Racism and Racial Discrimination.

(iii) *International Convention on the Suppression and Punishment of the Crime of apartheid*¹⁰³

In 1981, 7 more States became parties to the Convention. By its resolution 36/13 of 28 October 1981 adopted on the recommendation of the Third Committee¹⁰⁴ by a vote of 124 to 1, with 23 abstentions, the General Assembly, *inter alia*, appealed once again to those States that had not yet done so to ratify or to accede to the Convention without further 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 enumerated in article II of the Convention; requested the Secretary-General to intensify his efforts through appropriate channels to disseminate information on the Convention and its implementation with a view to further promoting ratification of or accession to the Convention; and requested the Commission on Human Rights to continue 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 progressive list of individuals, organizations, institutions and representatives of States deemed responsible for crimes enumerated in article II of the Convention, as well as of those against whom or which legal proceedings had been undertaken.

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

In 1981, 21 States became parties to the 1979 Convention on the Elimination of All Forms of Discrimination against Women.¹⁰⁵ By its resolution 36/131 of 14 December 1981 adopted without a vote on the recommendation of the Third Committee,¹⁰⁶ the General Assembly, *inter alia*, noted with appreciation that a significant number of Member States had already ratified or acceded to the Convention; welcomed with great satisfaction that, as a result, the Convention entered into force on 3 September 1981; noted further that an important number of Member States had signed the Convention; and invited all States which had not yet done so to become parties to the Convention by ratifying or acceding to it. Furthermore, by its resolution 36/130 of 14 December 1981 adopted without a vote also on the recommendation of the Third Committee,¹⁰⁷ the General Assembly, *inter alia*, noting that in some countries legal and administrative regulations hampered the possibilities of accompanying spouses of members of diplomatic missions or consular posts and of staff members of intergovernmental organizations to work, and concerned that women continued to be underrepresented in the professional staffs of international organizations, including the United Nations and the specialized agencies, and were not always exempt from discrimination when they were recruited, invited Governments in host countries to consider granting, when appropriate and to the extent possible, working permits for spouses accompanying members of diplomatic missions or consular posts and staff members of intergovernmental organizations.

(2) *Torture and other cruel, inhuman or degrading treatment or punishment*¹⁰⁸

By its resolution 36/60 of 25 November 1981 adopted without a vote on the recommendation of the Third Committee,¹⁰⁹ the General Assembly, *inter alia*, welcomed the Economic and Social Council resolution 1981/37 of 8 May 1981, 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-eighth session of the Commission to complete the work on a draft convention on torture and other cruel, inhuman or degrading treatment or punishment and requested the Commission on Human Rights to complete as a matter of highest priority, at its thirty-eighth session, the drafting of a convention on the matter, with a view to submitting a draft, including provisions for the effective implementation of the future convention, to the General Assembly at its thirty-seventh session.

(3) *Arbitrary or summary executions*

In 1968, the General Assembly had invited Governments of Member States, *inter alia*, to ensure the most careful legal procedures and the greatest possible safeguards for the accused in capital cases in countries where the death penalty obtained.¹¹⁰ In 1980, the Assembly had urged Member States concerned to respect as a minimum standard the content of the provisions of articles 6, 14 and 15 of the International Covenant on Civil and Political Rights and, where necessary, to review their legal rules and practices so as to guarantee the most careful legal procedures and the greatest possible safeguards for the accused in capital cases; to examine the possibility of making automatic the appeal procedure, where it existed, in cases of death sentences, as well as the consideration of an amnesty, pardon or commutation in those cases; and to provide that no death sentence would be carried out until the procedures of appeal and pardon had been terminated and, in any case, not until a reasonable time after the passing of the sentence in the court of first instance.¹¹¹

By its resolution 36/22 of 9 November 1981 adopted without a vote on the recommendation of the Third Committee,¹¹² the General Assembly, *inter alia*, condemned the practice of summary executions and arbitrary executions; strongly deplored the increasing number of summary executions as well as the continued incidence of arbitrary executions in different parts of the world; noted with concern the occurrence of executions that were widely regarded as being politically motivated; urged all States concerned to respect the minimum standard of legal safeguards referred to in its 1980 resolution;¹¹³ and requested the Secretary-General to use his best endeavours in cases where this minimum standard of legal safeguards appeared not to be respected.

(4) *Capital punishment*

In 1980, the General Assembly had decided to consider at its thirty-sixth session the idea of elaborating a draft of a second optional protocol to the International Covenant on Civil and Political Rights aiming at the abolition of the death penalty, inviting Member States to submit comments and observations on the matter.¹¹⁴ By its resolution 36/59 of 25 November 1981, adopted without a vote on the recommendation of the Third Committee,¹¹⁵ the General Assembly, *inter alia*, invited Member States to submit further comments and observations on the draft resolution entitled "Measures aiming at the ultimate abolition of capital punishment (draft Second Optional Protocol to the International Convention on Civil and Political Rights)",¹¹⁶ submitted at the thirty-fifth session of the General Assembly, and decided to consider at its thirty-seventh session, under the item entitled "International Covenants on Human Rights", the idea of elaborating a draft of a second optional protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty.

(5) *Elimination of all forms of religious intolerance*

In 1972, the General Assembly had decided to give priority to the elaboration of a draft declaration on the elimination of all forms of religious intolerance before resuming the consideration of an international convention on the subject.¹¹⁷ In 1974 the Assembly requested the Commission on Human Rights to submit to the Assembly, through the Economic and Social Council, a single draft declaration on the elimination of all forms of intolerance and of discrimination based on religion or belief.¹¹⁸ The Commission on Human Rights worked on the draft declaration at its thirty-fifth and thirty-sixth sessions. At the latter session the Commission had decided to establish again an open-ended working group at its thirty-seventh session (1981) and to allot more time to that working group in order that it might complete the formulation of the draft declaration.¹¹⁹ On the

basis of the draft submitted by the Commission, the General Assembly, by resolution 36/55 of 23 November 1981 adopted without a vote on the recommendation of the Third Committee¹¹⁹ the text of the declaration. The resolution reads as follows:

The General Assembly,

Considering that one of the basic principles of the Charter of the United Nations is that of the dignity and equality inherent in all human beings, and that all Member States have pledged themselves to take joint and separate action in co-operation with the Organization to promote and encourage universal respect for and observance of human rights and fundamental freedoms for all, without distinction as to race, sex, language or religion,

Considering that the Universal Declaration of Human Rights¹²⁰ and the International Covenants on Human Rights¹²¹ proclaim the principles of non-discrimination and equality before the law and the right to freedom of thought, conscience, religion and belief,

Considering that the disregard and infringement of human rights and fundamental freedoms, in particular of the right to freedom of thought, conscience, religion or whatever belief, have brought, directly or indirectly, wars and great suffering to mankind, especially where they serve as a means of foreign interference in the internal affairs of other States and amount to kindling hatred between peoples and nations,

Considering that religion or belief, for anyone who professes either, is one of the fundamental elements in his conception of life and that freedom of religion or belief should be fully respected and guaranteed,

Considering that it is essential to promote understanding, tolerance and respect in matters relating to freedom of religion and belief and to ensure that the use of religion or belief for ends inconsistent with the Charter of the United Nations, other relevant instruments of the United Nations and the purposes and principles of the present Declaration is inadmissible,

Convinced that freedom of religion and belief should also contribute to the attainment of the goals of world peace, social justice and friendship among peoples and to the elimination of ideologies or practices of colonialism and racial discrimination,

Noting with satisfaction the adoption of several, and the coming into force of some, conventions, under the aegis of the United Nations and of the specialized agencies, for the elimination of various forms of discrimination,

Concerned by manifestations of intolerance and by the existence of discrimination in matters of religion or belief still in evidence in some areas of the world,

Resolved to adopt all necessary measures for the speedy elimination of such intolerance in all its forms and manifestations and to prevent and combat discrimination on the ground of religion or belief,

Proclaims this Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief:

Article 1

1. Everyone shall have the right to freedom of thought, conscience and religion. This right shall include freedom to have a religion or whatever belief of his choice, and freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching.

2. No one shall be subject to coercion which would impair his freedom to have a religion or belief of his choice.

3. Freedom to manifest one's religion or beliefs may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health or morals or the fundamental rights and freedoms of others.

Article 2

1. No one shall be subject to discrimination by any State, institution, group of persons, or person on grounds of religion or other beliefs.

2. For the purposes of the present Declaration, the expression “intolerance and discrimination based on religion or belief” means any distinction, exclusion, restriction or preference based on religion or belief and having as its purpose or as its effect nullification or impairment of the recognition, enjoyment or exercise of human rights and fundamental freedoms on an equal basis.

Article 3

Discrimination between human beings on grounds of religion or belief constitutes an affront to human dignity and a disavowal of the principles of the Charter of the United Nations, and shall be condemned as a violation of the human rights and fundamental freedoms proclaimed in the Universal Declaration of Human Rights and enunciated in detail in the International Covenants on Human Rights, and as an obstacle to friendly and peaceful relations between nations.

Article 4

1. All States shall take effective measures to prevent and eliminate discrimination on the grounds of religion or belief in the recognition, exercise and enjoyment of human rights and fundamental freedoms in all fields of civil, economic, political, social and cultural life.

2. All States shall make all efforts to enact or rescind legislation where necessary to prohibit any such discrimination, and to take all appropriate measures to combat intolerance on the grounds of religion or other beliefs in this matter.

Article 5

1. The parents or, as the case may be, the legal guardians of the child have the right to organize the life within the family in accordance with their religion or belief and bearing in mind the moral education in which they believe the child should be brought up.

2. Every child shall enjoy the right to have access to education in the matter of religion or belief in accordance with the wishes of his parents or, as the case may be, legal guardians, and shall not be compelled to receive teaching on religion or belief against the wishes of his parents or legal guardians, the best interests of the child being the guiding principle.

3. The child shall be protected from any form of discrimination on the ground of religion or belief. He shall be brought up in a spirit of understanding, tolerance, friendship among peoples, peace and universal brotherhood, respect for freedom of religion or belief of others, and in full consciousness that his energy and talents should be devoted to the service of his fellow men.

4. In the case of a child who is not under the care either of his parents or of legal guardians, due account shall be taken of their expressed wishes or of any other proof of their wishes in the matter of religion or belief, the best interests of the child being the guiding principle.

5. Practices of a religion or beliefs in which a child is brought up must not be injurious to his physical or mental health or to his full development, taking into account article 1, paragraph 3, of the present Declaration.

Article 6

In accordance with article 1 of the present Declaration, and subject to the provisions of article 1, paragraph 3, the right to freedom of thought, conscience, religion or belief shall include, *inter alia*, the following freedoms:

(a) To worship or assemble in connexion with a religion or belief, and to establish and maintain places for these purposes;

(b) To establish and maintain appropriate charitable or humanitarian institutions;

(c) To make, acquire and use to an adequate extent the necessary articles and materials related to the rites or customs of a religion or belief;

(d) To write, issue and disseminate relevant publications in these areas;

(e) To teach a religion or belief in places suitable for these purposes;

(f) To solicit and receive voluntary financial and other contributions from individuals and institutions;

(g) To train, appoint, elect or designate by succession appropriate leaders called for by the requirements and standards of any religion or belief;

(h) To observe days of rest and to celebrate holidays and ceremonies in accordance with the precepts of one's religion or belief;

(i) To establish and maintain communications with individuals and communities in matters of religion and belief at the national and international levels.

Article 7

The rights and freedoms set forth in the present Declaration shall be accorded in national legislation in such a manner that everyone shall be able to avail himself of such rights and freedoms in practice.

Article 8

Nothing in the present Declaration shall be construed as restricting or derogating from any right defined in the Universal Declaration of Human Rights and the International Covenants on Human Rights.

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

By its resolution 36/133 of 14 December 1981, adopted by 135 votes to 1 with 13 abstentions on the recommendation of the Third Committee,¹²² the General Assembly, *inter alia*, reaffirmed that it is of paramount importance for the promotion of human rights and fundamental freedoms that Member States should undertake specific obligations through accession to, or ratification of, international instruments in this field and, consequently, that the standard-setting work within the United Nations system in the field of human rights and the universal acceptance and implementation of the relevant international instruments should be encouraged; reiterated that the establishment of the new international economic order is an essential element for the effective promotion and the full enjoyment of human rights and fundamental freedoms for all; affirmed that the efforts of the United Nations and its Member States to promote and to protect civil and political rights as well as economic, social and cultural rights should continue; also reaffirmed that in order to ensure the full enjoyment of all human rights and complete personal dignity it is necessary to promote the right to education and the right to work, health and proper nourishment, through adoption of measures at the national level, including those that provide for the right of workers to participate in management, as well as adoption of measures at the international level, including the establishment of the new international economic order; declared that the right to development is an inalienable human right; and requested the Commission on Human Rights to take the necessary measures to promote the right to development. Furthermore, by its resolution 36/135 of 14 December 1981 adopted without a vote also on the recommendation of the Third Committee¹²² the General Assembly recalled its resolution 35/175 of 15 December 1981, in which it decided to consider at its thirty-sixth session the question of the establishment of a post of United Nations High Commissioner for Human Rights under the item entitled "Alternative approaches and ways and means for improving the effective enjoyment of human rights and fundamental freedoms". Having considered the report of the Commission on Human Rights on the thirty-seventh session,¹²³ and noting that the Commission informed the General Assembly that it had not been able to reach a decision at its thirty-seventh session on the desirability of the establishment of a post of High Commissioner, the Assembly by its resolution 36/135 decided, *inter alia*, to request the Commission on Human Rights at its thirty-eighth session to consider this question with the attention it deserves.

(7) *New international humanitarian order*

By its resolution 36/136 of 14 December 1981 adopted without a vote on the recommendation of the Third Committee¹²⁴ the General Assembly, recognizing the importance of further improving a comprehensive international framework which takes fully into account existing instruments relating to humanitarian questions as well as the need for addressing those aspects which are not yet

adequately covered, and bearing in mind that institutional arrangements and action of governmental and non-governmental bodies might need to be further strengthened to respond effectively in situations requiring humanitarian action, decided to request the Secretary-General to seek the views of Governments on the proposal for the promotion of a new international humanitarian order as well as to consider the question at its thirty-seventh session on the basis of the report of the Secretary-General.

(8) *Right to education*¹²⁵

By its resolution 36/152 of 16 December 1981 adopted without a vote on the recommendation of the Third Committee¹²⁶ the General Assembly, among other things, 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; 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; invited all specialized agencies to co-operate with the United Nations Educational, Scientific and Cultural Organization to ensure education a high priority in the implementation of various programmes and projects, in the framework of the International Development Strategy for the Third United Nations Development Decade; and appealed again to all States, in particular to the developed countries, to support actively through fellowships and other means, including the general increasing of resources for education and training, the efforts of the developing countries in the education and training of national personnel needed in industry, agriculture and other economic and social sectors.

(9) *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.¹²⁷ By its resolution 36/160 of 16 December 1981 adopted without a vote on the recommendation of the Third Committee¹²⁸ the General Assembly, having examined the progress made by the open-ended Working Group during its inter-sessional meeting held from 11 to 22 May 1981 and having considered its report, decided, *inter alia*, to take note of the report and to express its satisfaction with the substantial progress that the Group had so far made in the accomplishment of its mandate. It further decided that the Working Group shall meet during the thirty-seventh session of the General Assembly to continue and, if possible, to complete the elaboration of an international convention on the protection of the rights of all migrant workers and their families.

(10) *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-Commission on Prevention of Discrimination and Protection of Minorities,¹²⁹ and amended by the response to decision 1979/36 of the Council,¹³⁰ and recommended that the General Assembly should consider the adoption of a declaration on the subject. In 1980 the Assembly had decided to establish an open-ended Working Group for the purpose of concluding the elaboration of the draft declaration.¹³¹

By its resolution 36/165 of 16 December 1981 adopted without a vote on the recommendation of the Third Committee,¹³² the General Assembly, *inter alia*, took note of the fact that although the open-ended Working Group had done useful work it had not had sufficient time to conclude its task;¹³³ decided to establish, at its thirty-seventh 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 the draft declaration will be adopted by the General Assembly at its thirty-seventh session.

(11) *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. In 1979 and 1980 the Assembly adopted two resolutions dealing with this question.¹³⁴ By its resolution 36/57 of 25 November 1981 adopted without a vote on the recommendation of the Third Committee,¹³⁵ the General Assembly, *inter alia*, noted with appreciation further progress made in the elaboration of the draft convention by the Commission on Human Rights; welcomed Economic and Social Council decision 1981/144 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-eighth session of the Commission to complete the work on the draft convention; and requested the Commission on Human Rights to give the highest priority to the question of completing the draft convention.

(12) *Draft declaration on social and legal principles relating to the protection and welfare of children, with special reference to foster placement and adoption nationally and internationally*

On 6 May 1981 the Economic and Social Council adopted resolution 1981/18 entitled "Draft declaration on social and legal principles relating to adoption and foster placement of children nationally and internationally", whereby the Council requested the General Assembly to consider at its thirty-sixth session the draft declaration annexed to the above-mentioned resolution of the Council so that further action proposed by the Council may proceed.¹³⁶ By resolution 36/167 of 16 December 1981 adopted without a vote on the recommendation of the Third Committee¹³⁷ the General Assembly, bearing in mind the report of the Secretary-General on views of Member States on the text of the draft declaration¹³⁸ and convinced that adoption of the draft declaration will promote the well-being of children with special needs, decided, *inter alia*, that appropriate measures be taken at its thirty-seventh session to finalize the draft declaration, including an item to that effect in the provisional agenda of that session.

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

The tenth session of the Third United Nations Conference on the Law of the Sea was held from 9 March to 24 April in New York with the aim of adoption of a convention. Since that goal was not reached, the tenth session of the Conference was reconvened at Geneva from 3 to 29 August 1981,¹³⁹ preceded by informal consultations of delegations from 29 to 31 July 1981.

A total of 155 States participated in the first part of the tenth session (see A/CONF.62/113) and 146 States in the resumed tenth session (see A/CONF.62/115).

Question of the Presidency of the Conference

The Conference elected Tommy T. B. Koh of Singapore as its new President to replace H. Shirley Amerasinghe of Sri Lanka, who passed away on 4 December 1980, and Sri Lanka replaced Singapore as a Vice-President.

Organization of the work of the Conference

A revised official draft Convention on the Law of the Sea (A/CONF.62/L.78) was produced as a result of negotiations in 1981 during the tenth and resumed tenth session. This draft incorporated more than 1,500 recommendations from the Drafting Committee, and the decisions taken by the Conference on the sites of the International Sea-Bed Authority and the International Law of the Sea Tribunal. A compromise formula on delimitation of maritime space between States with opposite

or adjacent coasts was worked out and gained the widespread support of States. In addition, the revision took into account the results of the consultations and negotiations conducted during this session and which received substantial and widespread support.

Several problems, relating to the participation in the Convention by regional intergovernmental organizations and national liberation movements, the establishment of a Preparatory Commission, the protection of pioneer investments in sea-bed mining and other, including drafting, issues, remained outstanding.

Decision of the General Assembly

On 9 December 1981, the General Assembly, taking note of the decision of the Conference (A/36/659), adopted resolution 36/79, by which it approved the convening of the eleventh, final decision-making, session of the Third United Nations Conference on the Law of the Sea in New York, for the period 8 March to 30 April 1982. The Assembly authorized the Conference to extend its work beyond 30 April 1982, in consultation with the Secretary-General, exclusively for the purpose of completing its work. It also recommended that the Secretary-General provide the necessary facilities for informal consultations to delegations participating in the Conference, in particular to the members of the Group of 77, and requested the Secretary-General to consult the Government of Venezuela in order to arrange for the signature of the Final Act and the opening of the Convention for signature at Caracas in early September 1982.

5. INTERNATIONAL COURT OF JUSTICE^{140, 141}

Cases submitted to the Court

(1) *United States Diplomatic and Consular Staff in Tehran (United States of America/Iran)*¹⁴²

On 24 May 1980 this case, instituted by the United States against Iran on 29 November 1979, had been the subject of a Judgment¹⁴³ wherein the Court, in response to one of the Applicant's submissions, had decided that the form and amount of the reparation owed by Iran to the United States should, failing agreement between the Parties, be settled by the Court, and had reserved for that purpose the subsequent procedure.¹⁴⁴

By a letter addressed to the Court on 6 April 1981 on behalf of the United States Government, the Applicant, citing Article 88 of the Rules and referring to the commitments entered into at Algiers on 19 January by the United States and Iran, requested that all proceedings pending before the Court with regard to its claims for reparation be discontinued and the case be removed from the General List, but stated also that it reserved the right to reinstitute the proceedings if certain circumstances were not fulfilled. The President of the Court pointed out in a letter of 15 April that a discontinuance subject to a right to reinstitute and pursue the proceedings could not be considered by the Court as falling within the terms of Article 88 of the Rules. By a letter of 1 May the United States Government gave certain explanations and informed the Court that, in seeking a discontinuance, it intended that all currently pending proceedings relating to the United States claims against Iran for reparation be discontinued, and that an Order be made recording their discontinuance and directing their removal from the list; the reservations stated in the letter of 6 April had not been meant to condition or qualify the normal procedural effect of a discontinuance.

Those letters having been transmitted to the Government of Iran, and no observations having been received from it, the President of the Court, on 12 May 1981, made an Order recording the discontinuance of the proceedings and directing that the case be removed from the Court's list.¹⁴⁵

(2) *Continental Shelf (Tunisia/Libyan Arab Jamahiriya)*¹⁴⁶

The agents of the Parties filed their respective Counter-Memorials within their time-limits and, on 2 February 1981, the two pleadings were exchanged between the Parties at a meeting with the President of the Court.

Meanwhile, on 30 January 1981 Malta had filed an Application requesting permission to intervene under Article 62 of the Statute. Pursuant to Article 83 of the Rules of Court, the Government of Tunisia and the Government of the Libyan Arab Jamahiriya submitted written observations on this Application. Since objection was made therein to Malta's application, the Court, under Article 84 of the Rules, held on 19-21 and 23 March public sittings at which it heard argument presented on behalf of Malta, the Libyan Arab Jamahiriya and Tunisia.

On 14 April 1981 the Court delivered at a public sitting the Judgment¹⁴⁷ which is summarized below:¹⁴⁸

Procedural context of Malta's application (paras. 1-11)

The Court began its Judgment with a recital of the steps taken in the proceedings (see above) and then set forth in full the provision of the Statute relied upon by Malta, namely Article 62:

“1. Should a State consider that it has an interest of a legal nature which may be affected by the decision in the case, it may submit a request to the Court to be permitted to intervene.

“2. It shall be for the Court to decide upon this request.”

The Court went on to recall that under Article 81, paragraph 2, of the Rules of Court, Malta's application had to set out:

“(a) the interest of a legal nature which the State applying to intervene considers may be affected by the decision in that case;

“(b) the precise object of the intervention;

“(c) any basis of jurisdiction which is claimed to exist as between the State applying to intervene and the parties to the case.”

Legal problems raised by Malta's request (paras. 12-27)

After summarizing the contentions put forward on behalf of the three States on the subject of Malta's application, the Court noted that objections in relation to all three matters specified in Article 81, paragraph 2, of the Rules had been raised by the Parties, which had alleged that Malta had not succeeded in showing possession of an interest of a legal nature which might be affected by the decision in the case, that the object of its request fell altogether outside the scope of the form of intervention for which Article 62 provided, and that it had not established any jurisdictional link with them. If any one of those objections should be found justified, it would, said the Court, clearly not be open to it to give any further consideration to the request.

Before considering the objections the Court retraced the history of the provisions of its Statute and Rules concerning intervention and noted how, from the beginning, it had been agreed not to try to resolve in the Rules of Court the various substantive questions which had been raised but to leave them to be decided on the basis of the Statute and in the light of the particular circumstances of each case.

Interest of a legal nature and object of the intervention (paras. 28-35)

The Court then considered whether the interest of a legal nature relied upon by Malta and the stated object of its intervention were such as to justify the grant of permission to intervene.

The interest of a legal nature which Malta had invoked consisted essentially in its possible concern with any findings of the Court that identified and assessed the geographical or geomorphological factors relevant to the delimitation of the Libya/Tunisia continental shelf and with any pronouncements made by the Court regarding, for example, the significance of special circumstances or the application of equitable principles in that delimitation. Any such findings or pronouncements, in Malta's view, were likely to have repercussions upon Malta's own rights and legal interests in any future settlement of its continental shelf boundaries with Libya and Tunisia. Malta had underlined that only such elements were the object of its request and that it was not concerned with the choice of the particular line to delimit the boundary between those two countries or with the laying-down of general principles by the Court as between them.

The fact that Malta's request related to specific elements in the case between Tunisia and Libya implied, the Court found, that the legal interest which it relied on would concern matters which were, or might be, directly in issue between the Parties and, as Malta had presented them, were part of the very subject-matter of that case. Yet Malta had at the same time made it plain that it did not mean by its intervention to submit its own interest in those matters for decision as between itself and Libya or Tunisia, since its object was not to obtain any decision from the Court concerning its continental shelf boundaries with either or both of those countries.

While Malta, as it had asserted, clearly possessed a certain interest in the Court's treatment of the physical factors and legal considerations relevant to the delimitation of the continental shelf boundaries of States within the central Mediterranean region that was somewhat more specific and direct than that of States outside that region, that interest was nevertheless of the same kind as those of other States within the region. But what Malta had to show in order to obtain permission to intervene under Article 62 of the Statute was an interest of a legal nature which might be affected by the Court's decision in the case.

Under the Special Agreement the Court was called upon to decide the principles and rules of international law to be applied in the delimitation of the respective areas of continental shelf appertaining to Tunisia and Libya. Those two States had therefore put in issue their claims with respect to the matters covered by that instrument and, having regard to the terms of Article 59 of the Statute, the Court's decision in the case would accordingly be binding in respect of those matters. Malta, however, had attached to its request an express reservation that its intervention was not to have the effect of putting in issue its own claims vis-à-vis Tunisia and Libya. That being so, the very character of the intervention for which Malta sought permission showed that the interest of a legal nature which it had invoked could not be considered as one which, within the meaning of Article 62 of the Statute, might be affected by the decision in the case.

The Court found that what the request in effect sought to secure was the opportunity of arguing in favour of a decision in which the Court would refrain from adopting and applying particular criteria that it might otherwise consider appropriate for the delimitation of the continental shelf of Tunisia and Libya. To allow such a form of intervention would leave the Parties quite uncertain as to whether and how far they should consider their own separate interests vis-à-vis Malta as in effect constituting part of the subject-matter of the case. In the view of the Court, a State seeking to intervene under Article 62 of the Statute was clearly not entitled to place the Parties to the case in such a position.

The Court understood Malta's preoccupation regarding possible implications for its own interests of the Court's findings and pronouncements on particular elements in the case between Tunisia and Libya. Even so, for the reasons set out in the Judgment, the request was not one to which, under Article 62 of the Statute, the Court might accede.

Jurisdictional link (para. 36)

Having reached the conclusion that Malta's request for permission to intervene was not one to which it could accede, the Court found it unnecessary to decide in the case under consideration the question whether the existence of a valid link of jurisdiction with the Parties to the case was an essential condition for the granting of permission to intervene under Article 62 of the Statute.

*

For those reasons, the Court (para. 37), unanimously, found that Malta's request for permission to intervene in the proceedings under Article 62 of the Statute could not be granted.

*

Judges Morozov, Oda and Schwebel appended separate opinions to the Judgment.¹⁴⁹

*

After the Court's decision on Malta's application the case continued its course. On 16 April 1981, both Tunisia and the Libyan Arab Jamahiriya having indicated a wish to submit additional

written pleadings as envisaged in the Special Agreement, the President of the Court made an Order¹⁵⁰ fixing 15 July 1981 as the time-limit for the filing by each Party of a Reply. The Replies in question were on that date filed by the agents of the Parties and exchanged between them at a meeting with the President. The case thus became ready for hearing.

Between 16 September and 21 October 1981 the Court held 22 public sittings and one closed sitting for the purpose of hearing the oral arguments of Tunisia and the Libyan Arab Jamahiriya.

(3) *Application for Review of Judgement No. 273 of the United Nations Administrative Tribunal*¹⁵¹

On 28 July 1981 the Court received a request submitted by the Committee on Applications for Review of Administrative Tribunal Judgements for an advisory opinion on questions relating to Judgement No. 273 delivered by the Administrative Tribunal of the United Nations in Geneva on 15 May 1981.¹⁵²

The case in question related to the payment to a former United Nations staff member on his retirement of what is known as the repatriation grant. The Secretary-General of the United Nations had refused that grant, on the basis of General Assembly resolution 34/165 of 17 December 1979, but the disputed judgement recognized the right of the staff member to receive the grant as an acquired right.

On 13 July the Committee on Applications for Review of Administrative Tribunal Judgements, to which an application was presented by the Government of the United States of America, decided to request an advisory opinion of the International Court of Justice on the following question:

“Is the judgement of the United Nations Administrative Tribunal in Judgement No. 273, *Mortished v. the Secretary-General*, warranted in determining that General Assembly resolution 34/165 of 17 December 1979 could not be given immediate effect in requiring, for the payment of repatriation grants, evidence of relocation to a country other than the country of the staff member’s last duty station?”

The Committee’s request was transmitted to the Court by a letter from the Secretary-General of the United Nations dated 23 July 1981, which reached the Registry on 28 July. In that letter, the Secretary-General mentioned in particular that, as required by paragraph 2 of Article 11 of the Statute of the Administrative Tribunal, he would arrange to transmit to the Court any views that the person in respect of whom Judgement No. 273 had been delivered might wish to submit.

By Order of 6 August 1981¹⁵³ the President of the Court fixed 30 October 1981 as the time-limit within which written statements might be submitted in accordance with Article 66, paragraph 2, of the Statute of the Court. He further decided that the United Nations, and its Member States considered as likely to be able to furnish information on the question, would be allowed to submit such statements. The time-limit was extended to 30 November 1981 by an Order of 8 October 1981.¹⁵⁴ A written statement was transmitted by the United Nations on behalf of the official concerned in the Administrative Tribunal’s Judgement and the Government of France and the Government of the United States of America each submitted a written statement.

In accordance with Article 66, paragraph 4, of the Statute, the Court decided to permit any State or organization having submitted or transmitted written statements to communicate written comments to the Court by 15 April 1982. The Government of France and the Government of the United States of America each submitted such comments within that time-limit.

(4) *Delimitation of the Maritime Boundary in the Gulf of Maine Area (Canada/United States of America)*¹⁵⁵

On 25 November 1981 the Governments of Canada and of the United States of America had notified to the Court a Special Agreement, concluded by them on 29 March 1979, and having entered into force on 20 November 1981, by which they submitted to a chamber of the Court a question as to the course of the maritime boundary dividing the continental shelf and fisheries zones of the two Parties in the Gulf of Maine area.

The Special Agreement provided for the submission of the dispute to a five-member chamber to be constituted after consultation with the Parties, pursuant to Article 26, paragraph 2, and Article 31 of the Statute of the Court. These are respectively the Articles providing for the establishment of a chamber to deal with a particular case and for the right of a Party, when there is no judge of its nationality upon the bench, to choose a judge *ad hoc* to sit in the case.

The Parties were duly consulted. The Court had already been notified in a letter from the Parties accompanying the submission of the case that, since the Court did not include upon the bench a judge of Canadian nationality, the Government of Canada intended to choose a judge *ad hoc* to sit in the case.

In the course of the Court's consideration of the Special Agreement notified by the Governments of Canada and the United States, some Members of the Court referred to certain problems which they felt likely to give rise to difficulties, in particular on account of certain features which might not be compatible with the Statute and Rules of Court. In the outcome, it was decided that the President would call upon the agents of the Parties to provide the Court with further explanations or clarifications on several points. The President did so in a letter of 18 December 1981.

6. INTERNATIONAL LAW COMMISSION¹⁵⁶

THIRTY-THIRD SESSION OF THE COMMISSION¹⁵⁷

The International Law Commission held its thirty-third session at Geneva from 4 May to 24 July 1981. It continued to make substantial progress in its work for the development of international law and its codification by adopting in particular the final text of the draft articles on succession of States in respect of State property, archives and debts, which it forwarded to the Assembly with the recommendation that the Assembly should convene an international conference of plenipotentiaries to study the draft articles and to conclude a convention on the subject.

With respect to the question of treaties concluded between States and international organizations or between two or more international organizations the Commission finally approved the text of articles 1 to 26 of the draft articles (Part I—Introduction, articles 1 to 5, Part II—Conclusion and entry into force of treaties, articles 6 to 25, and Part III—Observance, application and interpretation of treaties, article 26).

On the question of State responsibility the Commission commenced consideration of Part 2 of the draft articles dealing with the content, forms and degrees of international responsibility. It considered and decided to send to the Drafting Committee articles 1 to 3 of chapter I entitled "General principles" and 4 and 5 of chapter II entitled "Obligations of the State which has committed an internationally wrongful act".

Regarding the question of the jurisdictional immunities of States and their property, the Commission had before it the third report on the topic submitted by the Special Rapporteur¹⁵⁸ containing the text of the following five proposed draft articles: "Rules of competence and jurisdictional immunity" (article 7); "Consent of State" (article 8); "Voluntary submission" (article 9); "Counter-claims" (article 10); and "Waiver" (article 11). Together with the text of draft article 6 on "State immunity" adopted provisionally by the Commission at its 1980 session, those five articles were placed in Part II entitled "General principles". After consideration, the Commission referred draft articles 7 to 11 to the Drafting Committee.

With respect to the status of the diplomatic courier and the diplomatic bag not accompanied by diplomatic courier the Commission had before it the second report on the topic submitted by the Special Rapporteur¹⁵⁹ containing the text of six proposed draft articles which constituted Part I entitled "General provisions": "Scope of the present articles" (article 1); "Couriers and bags not within the scope of the present articles" (article 2); "Use of terms" (article 3); "Freedom of communication for all official purposes effected through diplomatic couriers and diplomatic bags" (article 4); "Duty to respect international law and the laws and regulations of the receiving and

the transit State" (article 5); and "Non-discrimination and reciprocity" (article 6). After the debate the Commission decided to refer articles 1 to 6 to the Drafting Committee.

The Commission also considered the questions of international liability for injurious consequences arising out of acts not prohibited by international law and the second part of the topic "Relations between States and international organizations".

CONSIDERATION BY THE GENERAL ASSEMBLY

At its thirty-sixth session, the General Assembly had before it the report of the International Law Commission on the work of its thirty-third session.¹⁶⁰ By its resolution 36/114, adopted on the recommendation of the Sixth Committee,¹⁶¹ the Assembly, *inter alia*, recommended that the Commission complete the second reading of the draft articles on treaties concluded between States and international organizations or between international organizations and continue its work aimed at the preparation of draft articles on part two of the draft on responsibility of States for internationally wrongful acts, bearing in mind the need for a second reading of the draft articles constituting part one of the draft. The Assembly also recommended that the Commission continue its work aimed at the preparation of draft articles on international liability for injurious consequences arising out of acts not prohibited by international law, the law of the non-navigational uses of international watercourses, jurisdictional immunities of States and their property and the status of the diplomatic courier and the diplomatic bag not accompanied by 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.

7. UNITED NATIONS COMMISSION ON INTERNATIONAL TRADE LAW¹⁶²

FOURTEENTH SESSION OF THE COMMISSION¹⁶³

The United Nations Commission on International Trade Law (UNCITRAL) held its fourteenth session at Vienna from 19 to 26 June 1981.

On the question of international payments the Commission considered the report of the Working Group on International Negotiable Instruments which set forth the progress made by the Group on the preparation of a draft Convention on International Bills of Exchange and International Promissory Notes, and on the preparation of Uniform Rules on International Cheques. The Commission decided that the Working Group should draw up the draft Convention on International Bills of Exchange and International Promissory Notes, and the Uniform Rules on International Cheques, as separate texts and not as a consolidated text and requested the Secretary-General to circulate both texts, together with a commentary, to all Governments and interested international organizations for their comments. At its fourteenth session the Commission had before it also a report of the Secretary-General entitled "Universal unit of account for international conventions" prepared pursuant to the decision of the Commission to "study ways of establishing a system for determining a universal unit of account of constant value which would serve as a point of reference in international conventions for expressing amounts in monetary terms". After discussion the Commission agreed to refer the matter to the Working Group on International Negotiable Instruments. The Commission also took note of the report of the Secretariat on the question of electronic funds transfer.

With respect to international trade contracts the Commission considered the report of the Working Group which had prepared a set of draft uniform rules on liquidated damages and penalty clauses. The Commission requested the Secretary-General to incorporate in those draft uniform rules such supplementary provisions as might be required if the rules were to take the form of a convention or a model law; to prepare a commentary on the draft uniform rules; to prepare a questionnaire addressed to Governments and international organizations seeking to elicit their views on the most appropriate form for the uniform rules; and to circulate the draft uniform rules to all Governments and interested international organizations for their comments, together with the commentary and the questionnaire. The Commission considered also the question of clauses protecting

parties against the effects of currency fluctuations. There was general agreement in the Commission that the Secretariat should continue to study the question of currency fluctuation clauses.

In the course of its fourteenth session, the Commission considered the question of international commercial arbitration. With respect to administrative guidelines to UNCITRAL Arbitration Rules the Commission decided, *inter alia*, that it would be desirable to issue guidelines in the form of recommendations to arbitral institutions and other relevant bodies, such as chambers of commerce, in order to assist them in adopting procedures for their acting as appointing authority or providing administrative services in cases to be conducted under the UNCITRAL Arbitration Rules and requested the Secretary-General to prepare a further note with a revised text of the draft guidelines and an explanation thereof. With regard to model arbitration law the Commission decided to proceed with the work towards preparation of a draft model law on international commercial arbitration and entrusted this work to its Working Group on International Contract Practices.

Regarding the new international economic order, the Commission noted with appreciation the report of the Working Group on the matter and the study by the Secretary-General entitled "Clauses related to contracts for the supply and construction of large industrial works". It requested the Working Group to submit a progress report to the fifteenth session of the Commission.

CONSIDERATION BY THE GENERAL ASSEMBLY

At its thirty-sixth session, the General Assembly had before it the report of UNCITRAL on the work of its fourteenth session.¹⁶⁴ By its resolution 36/32, adopted on the recommendation of the Sixth Committee,¹⁶⁵ the Assembly, *inter alia*, commended UNCITRAL for the progress made in its work and its efforts to enhance the efficiency of its working methods and recommended that UNCITRAL should continue its work on the topics included in its programme of work. With respect to the new international economic order the Assembly welcomed the decision of UNCITRAL to commence the drafting of a legal guide identifying the legal issues involved in contracts for the supply and construction of large industrial works and suggesting possible solutions to assist parties, in particular from developing countries, in their negotiations. The Assembly also requested the Secretary-General to bring certain international instruments concluded under the auspices of UNCITRAL to the notice of all States that have not ratified or acceded to them and to draw the attention of those States to the views of the Commission in which it emphasized that an early entry into force and a wide acceptance of those instruments would be of great value for the unification of international trade law.

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

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

In accordance with General Assembly resolution 35/50, the Special Committee on Enhancing the Effectiveness of the Principle of Non-Use of Force in International Relations met at United Nations Headquarters from 23 March to 17 April 1981.¹⁶⁶ It held a general debate on the questions within its mandate. It also established a Working Group which considered the working paper submitted by 10 non-aligned countries (Benin, Cyprus, Egypt, India, Iraq, Morocco, Nepal, Nicaragua, Senegal and Uganda)¹⁶⁷ at the previous session.

At its thirty-sixth session, the General Assembly, by its resolution 36/31 which it adopted on the recommendation of the Sixth Committee,¹⁶⁸ took into account that the Special Committee had not completed the mandate entrusted to it and *inter alia* decided that the Special Committee should continue its work with the goal of drafting, at the earliest possible date, a world treaty on the non-use of force in international relations as well as the peaceful settlement of disputes or such other recommendations as the Committee deemed appropriate and requested the Special Committee to

take due account of the efforts made by the non-aligned countries during the Committee's session in 1981 to facilitate the organization of the work of the Committee.

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

By its resolution 36/33 adopted on the recommendation of the Sixth Committee¹⁶⁹ the General Assembly, *inter alia*, took note of the report of the Secretary-General,¹⁷⁰ condemned acts of violence against diplomatic and consular missions and representatives as well as against missions and representatives to international intergovernmental organizations and officials of such organizations and urged States to observe and to implement the principles and rules of international law governing diplomatic and consular relations and, in particular, to take all necessary measures in conformity with their international obligations to ensure effectively the protection, security and safety of all diplomatic and consular missions and representatives officially present in 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 reiterated its invitation to all States to report to the Secretary-General serious violations of the protection, security and safety of diplomatic and consular missions and representatives, to report on measures taken to bring the offender to justice and eventually to communicate the final outcome of the proceedings against the offender, and further invited the States in which the violation took place to report also on the measures aimed at preventing a repetition of such violations. It called upon States which had not yet done so to consider becoming parties to the instruments relevant to the protection, security and safety of diplomatic and consular missions and representatives.

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

In accordance with General Assembly resolution 35/48, the *Ad Hoc* Committee on the Drafting of an International Convention against the Recruitment, Use, Financing and Training of Mercenaries met at United Nations Headquarters from 20 January to 13 February 1981.¹⁷¹ It held a general debate on the questions within its mandate. It also established a Working Group of the Whole to deal with the drafting of an international convention against the recruitment, use, financing and training of mercenaries pursuant to paragraph 3 of General Assembly resolution 35/48.

At its thirty-sixth session, the General Assembly, by its resolution 36/76 which it adopted on the recommendation of the Sixth Committee,¹⁷² *inter alia*, recognized that the activities of mercenaries are 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 colonization, racism and *apartheid* and all forms of foreign domination, took note of the report of the *Ad Hoc* Committee and decided that it should continue its work with the goal of drafting at the earliest possible date an international convention against the recruitment, use, financing and training of mercenaries.

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

By its resolution 36/106 adopted on the recommendation of the Sixth Committee,¹⁷³ the General Assembly, *inter alia*, after recalling its resolution 117 (II) of 21 November 1947 by which it directed the International Law Commission to prepare a draft code of offences against the peace and security of mankind and having considered the report of the Secretary-General¹⁷⁴ submitted pursuant to General Assembly resolution 35/49 of 4 December 1980, invited the International Law Commission to resume its work with a view to elaborating the draft Code and to examine it with the required priority in order to review it, taking duly into account the results achieved by the process of the progressive development of international law. The Assembly also requested the International Law Commission to consider at its thirty-fourth session the question of the draft Code and to report to the General Assembly at its thirty-seventh session on the priority it deemed advisable to accord to the draft Code, and the possibility of presenting a preliminary report to the Assembly at its thirty-eighth session bearing, *inter alia*, on the scope and the structure of the draft Code.

(e) Progressive development of the principles and norms of international law relating to the new international economic order

By its resolution 36/107 adopted on the recommendation of the Sixth Committee¹⁷⁵ the General Assembly, *inter alia*, took note of the report of the Secretary-General¹⁷⁶ and the study prepared by UNITAR entitled "List of 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",¹⁷⁷ and requested UNITAR to prepare the analytical study on the progressive development of the principles and norms of international law relating to the new international economic order. It requested also UNCITRAL, UNCTAD, UNIDO, the regional commissions, the UN Centre on Transnational Corporations and other relevant intergovernmental and non-governmental 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.

(f) Measures to prevent international terrorism which endangers or takes innocent human lives or jeopardizes fundamental freedoms and study of the underlying causes of those forms of terrorism and acts of violence which lie in misery, frustration, grievance and despair and which cause some people to sacrifice human lives, including their own, in an attempt to effect radical changes

By its resolution 36/109 adopted on the recommendation of the Sixth Committee¹⁷⁸ the General Assembly, *inter alia*, expressed deep concern about continuing acts of international terrorism which took a toll of innocent human lives, re-endorsed the recommendations submitted by the *Ad Hoc* Committee on International Terrorism to the Assembly at its thirty-fourth session relating to practical measures of co-operation for the speedy elimination of the problem of international terrorism¹⁷⁹ and decided to include the item in the provisional agenda of its thirty-eighth session.

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

Pursuant to General Assembly resolution 35/164, the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization met at United Nations Headquarters from 17 February to 14 March 1981.¹⁸⁰ It established an open-ended Working Group to discuss the topics referred to in paragraphs 3 and 4 of resolution 35/146 and in paragraphs 4 and 5 of resolution 35/160, namely, the questions of the maintenance of international peace and security, rationalization of existing procedures of the United Nations and peaceful settlement of disputes. In the latter respect, the Working Group continued the elaboration of a draft Manila Declaration on the peaceful settlement of disputes. In accordance with paragraph 10 of resolution 35/146 the Special Committee considered the question of the *Repertory of Practice of United Nations Organs*.

At its thirty-sixth session, the General Assembly, by its resolution 36/122 which it adopted on the recommendation of the Sixth Committee,¹⁸¹ *inter alia*, noted that significant progress had been made in fulfilling the mandate of the Special Committee, 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, including those relating to the functioning of the Security Council, with a view to continuing an examination of the compilation of proposals contained in its report on the work of the session it held in 1980¹⁸² and to considering the recommendations and proposals submitted during its session in 1981 or thereafter and to consider proposals made by Member States on the question of rationalization of existing procedures of the United Nations and, subsequently, any proposals submitted during its session in 1981 or thereafter. It also requested the Special Committee to finalize the draft Manila Declaration on the peaceful settlement of international disputes with a view to its consideration and adoption by the General Assembly.

The Assembly, by its resolution 36/123 which it adopted on the recommendation of the Sixth Committee,¹⁸³ *inter alia*, took note of the report of the Secretary-General on the status of the

preparation and publication of the *Repertoire of the Practice of the Security Council* and the *Repertory of Practice of United Nations Organs*,¹⁸⁴ recognized the importance and usefulness of the *Repertoire* and the *Repertory* as the principal sources of records for the analytical studies of the application and interpretation of the provisions of the Charter and of the rules of procedure made thereunder and requested the Secretary-General to give high priority to the preparation and publication of the supplements to those publications.

(h) Peaceful settlement of disputes between States

At the thirty-sixth 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.¹⁸⁵ By its resolution 36/110 adopted on the recommendation of the Sixth Committee,¹⁸⁶ the Assembly after, *inter alia*, expressing deep concern about the continuation of conflict situations and the emergence of new sources of disputes and tensions in international life, and especially about the growing tendency to resort to force or the threat of force and to intervention in internal affairs, and about 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 all States to adhere strictly in their international relations to the principle that States should settle their international disputes by peaceful means in such a manner that international peace and security and justice were not endangered. It held 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 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 also stressed that the elaboration, as soon as possible, of a declaration of the General Assembly on the peaceful settlement of international disputes was likely to enhance the observance of the principle in question and to contribute to the strengthening of the role of the United Nations in preventing conflicts and settling them peacefully. It requested the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization to finalize the draft Manila Declaration on the peaceful settlement of international disputes with a view to its consideration and adoption by the General Assembly.

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

By its resolution 36/111 adopted on the recommendation of the Sixth Committee,¹⁸⁷ the General Assembly, *inter alia*, requested the Secretary-General 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 bring up to date any written comments and observations on chapter II of the report of the International Law Commission on the work of its thirtieth session¹⁸⁸ 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 a decision. It also requested States to comment on the recommendations 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.

(j) Review of the multilateral treaty-making process

By its resolution 36/112 adopted on the recommendation of the Sixth Committee,¹⁸⁹ the General Assembly after, *inter alia*, taking note of the reports of the Secretary-General submitted to the Assembly at its thirty-fifth¹⁹⁰ and thirty-sixth¹⁹¹ sessions, including the replies and observations made by Governments and international organizations on the review of the multilateral treaty-making process,¹⁹² decided to establish at the thirty-seventh session a Working Group of the Sixth Committee to consider the questions raised in annex I of the report of the Secretary-General to the Assembly at its thirty-sixth session and any other relevant material submitted by Governments and international organizations and to assess the methods of multilateral treaty-making used in the United Nations and in conferences convened under its auspices, to determine whether the current methods of multilateral treaty-making were as efficient, economical and effective as they could be

to meet the needs of the Member States in order to make recommendations on the basis of the above-mentioned assessment. It further requested the Secretary-General to prepare and publish as soon as possible new editions of the *Handbook of Final Clauses*¹⁹³ and the *Summary of the Practice of the Secretary-General on Depository of Multilateral Agreements*¹⁹⁴ taking into account relevant new developments and practices in that respect.

(k) United Nations Conference on Succession of States in respect of State Property, Archives and Debts

By its resolution 36/113 adopted on the recommendation of the Sixth Committee,¹⁹⁵ the General Assembly after, *inter alia*, recalling that, as stated in paragraph 86 of the report of the International Law Commission on the work of its thirty-third session,¹⁹⁶ the Commission decided to recommend that the Assembly should convene an international conference of plenipotentiaries to study the Commission's draft articles on succession of States in respect of State property, archives and debts and to conclude a convention on the subject, decided that such a conference should be convened to consider the draft articles in question and to embody the results of its work in an international convention and such other instruments as it may deem appropriate and requested the Secretary-General to convene the United Nations Conference on Succession of States in respect of State Property, Archives and Debts early in 1983.

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

The item entitled "Draft Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment" was included in the agenda of the thirty-sixth session of the General Assembly pursuant to paragraph 2 of Assembly resolution 35/177. By that resolution, the Assembly took note of the constructive work undertaken by an open-ended Working Group which the Third Committee had entrusted with the task of elaborating a final version of the draft in question,¹⁹⁷ adopted by the Sub-Commission on Prevention of Discrimination and Protection of Minorities at its thirty-first session. Noting, however, that that Working Group had not been able to conclude its task, the Assembly, by the same resolution, decided to refer to its thirty-sixth session the draft Body of Principles for consideration by the Sixth Committee and to establish, at that session, an open-ended working group with the intention of concluding the consideration of the draft Body of Principles, with a view to its adoption by the Assembly.

At its thirty-sixth session, the Assembly adopted, on the recommendation of the Sixth Committee,¹⁹⁸ decision 36/426 by which it decided to refer to its thirty-seventh session the draft Body of Principles¹⁹⁹ for further consideration by the Sixth Committee.²⁰⁰

9. UNITED NATIONS INSTITUTE FOR TRAINING AND RESEARCH²⁰¹

In 1981 UNITAR continued its training programmes in New York, Geneva and other locations for officials whose responsibilities are related to the United Nations, as well as its discussion and orientation seminars on major issues facing the United Nations.

Drafting courses on treaties and other instruments were held in New York from 20 to 24 April 1981. They were intended mainly for legal officers or those with international law assignments in their missions. The objective of the seminars was to acquaint participants with the legal aspects of treaties and other international instruments, particularly their relation to diplomatic practice, including that of the United Nations. Discussions were preceded by a brief analysis of customary international law and the Vienna Convention on the Law of Treaties and were followed by drafting exercises and observance of a drafting session of a major United Nations conference.

Briefing and discussion seminars on the law of the sea were held in New York on 6 March 1981 and in Geneva in July 1981. Participants were briefed on the current stage of the treaty

negotiations, as well as on the historical background of the Third United Nations Conference on the Law of the Sea.

UNITAR continued to administer the international law fellowship programme, a major part of the United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law, established under General Assembly resolution 2099 (XX) of 20 December 1965. A number of fellowships were awarded in 1981 to legal advisers of ministries of foreign affairs, to other legal advisers of governments and governmental institutions 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 special courses and seminars organized by UNITAR during that period. In addition to the programme at the Hague in July and August 1981, the fellows had the choice of attending the international law seminar organized at Geneva in connection with the annual session of the International Law Commission, or of undertaking three months of practical training in the United Nations Office of Legal Affairs or in the specialized agencies.

The United Nations/UNITAR regional training and refresher course in international law for African countries was held in Cairo from 28 February to 13 March 1981. The course is one of the regular training courses organized periodically by UNITAR in Asia, Africa and Latin America under the United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law. It is basically designed for young government legal advisers and university professors. Participants from 20 African countries received lectures on developments in international law and the legal aspects of the new international economic order.

About 60 experts on international law from various regions of the world attended a joint UNITAR/Uppsala University seminar on international law and organization for a new world order organized in Sweden in June 1981. Its purpose was to give them an opportunity to exchange views on what contribution law can provide in the general debate on the new international economic order.

In 1981 UNITAR began a project on an analytical guide to application of the International Covenant on Economic, Social and Cultural Rights. This project, undertaken jointly with the American Society of International Law, was designed to bring together scholars from a broadly representative group of countries to prepare a handbook explaining the intent and meaning of the Covenant for use by lay judges, lawyers and interested laymen. The study will be published in 1983 and will be based primarily on a scholarly examination of the Covenant's legal content, including *travaux préparatoires*.

UNITAR also undertook a study containing a critical assessment of the role and prospects of the International Law Commission, which was published under the title *The International Law Commission: the Need for a New Direction* [UNITAR publication, Sales No. E.81.XV.PE/1]. It examines the capacity of the Commission to respond to the needs of the United Nations system for legislative drafting and the progressive development of international law as well as the willingness of the United Nations to make creative use of the Commission. The proposals contained in this publication were actively debated in the Sixth Committee during the thirty-sixth session of the General Assembly and were the subject of a conference of legal experts convened at UNITAR.

A study by UNITAR on lessons of the Law of the Sea negotiations examined the institutional arrangements that had the greatest effect on the Third United Nations Conference on the Law of the Sea, including the package deal, the lack of a first draft and the use of consensus. UNITAR also continued to carry out a project on the evaluation of the liability of States for damage caused through scientific and technological innovations. It examines 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.

The results of phase I of the study by UNITAR on progressive development of the principles and norms of international law relating to the new international economic order were reported to the General Assembly at its thirty-sixth session in September 1981. These contained an annotated listings of virtually all normative instruments applicable to economic relations between developed and developing countries in a readily accessible form.

Among the studies published by UNITAR in 1981, mention should be made of a compendium entitled *The Progressive Development of the Principles and Norms of International Law Relating to the New International Economic Order*.

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

1. INTERNATIONAL LABOUR ORGANISATION²⁰²

1. The International Labour Conference (ILC), which held its 67th Session in Geneva in June 1981, adopted the following instruments: a Convention and a Recommendation concerning the Promotion of Collective Bargaining;²⁰³ a Convention and a Recommendation concerning Occupational Safety and Health and the Working Environment;²⁰⁴ and a Convention and Recommendation concerning Equal Opportunities and Equal Treatment for Men and Women Workers: Workers with Family Responsibilities.²⁰⁵

2. The International Labour Conference (ILC) also adopted the amendment of Article 16, paragraph 9, of the Rules concerning Powers, Functions and Procedure of Regional Conferences convened by the International Labour Organisation concerning the loss and recovery of the right to vote as a result of a State's payment or otherwise of arrears of contributions.²⁰⁶

3. The Committee of Experts on the Application of Conventions and Recommendations met in Geneva from 12 to 25 March 1981 and presented its report.²⁰⁷

4. The Governing Body Committee on Freedom of Association met in Geneva and adopted Reports No. 207²⁰⁸ (215th Session of the Governing Body, March 1981); Nos. 208,²⁰⁹ 209²⁰⁹ and 210²⁰⁹ (216th Session of the Governing Body, May 1981); and Reports Nos. 211,²¹⁰ 212²¹⁰ and 213.²¹⁰

2. FOOD AND AGRICULTURE ORGANIZATION OF THE UNITED NATIONS

I. OFFICE OF THE LEGAL COUNSEL²¹¹

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 Conference, the Council and other statutory bodies of the Organization.

(a) Committee on Constitutional and Legal Matters (CCLM)

Two sessions of the Committee on Constitutional and Legal Matters (CCLM) were held in 1981. At the first of these sessions²¹² the CCLM examined the draft Conference resolution concerning the Special Reserve Account of the Regular Programme which was to be considered by the Council; at the second,²¹³ it examined a draft Council resolution concerning the Director-General's authority to borrow, which was to be considered by the Finance Committee and the Council.

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

The Conference adopted at its Twenty-First Session (7-26 November 1981) a resolution (Res. 15/81) amending Regulations X, XI, XII and Annex I of the Financial Regulations of the Organization.²¹⁴ These amendments have also been issued separately for insertion in the 1980 edition of Volumes I and II of the FAO Basic Texts.

At its 53rd session in September 1981 the Committee on Commodity Problems adopted a resolution by which it revised, in accordance with Rule VII.3 of its Rules of Procedure, the Terms

of Reference of the eleven Intergovernmental Commodity Groups and invited these Groups to amend, at the earliest opportunity, the relevant provisions of their Rules of Procedure to bring them into line with their revised Terms of Reference.²¹⁵

Accordingly the Intergovernmental Group on Jute, Kenaf and Allied Fibres adopted new Rules of Procedure at its 17th session in December 1981.

(c) *Establishment of a working party*

The Conference adopted at its Twenty-First Session (7-26 November 1981) a resolution (Res. 14/81) by which it established, under Article VI.5 of the FAO Constitution, a working party consisting of seven Member Nations whose representatives should, in consultation with the Director-General, act as a delegation for the purpose of meeting the Italian Authorities at the highest level, with a view to finding, as a matter of urgency, a permanent solution to the problem of the organization's accommodation.²¹⁶

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

At its Twenty-First Session (7-26 November 1981), the Conference recalled that when approving amendments to the International Plant Protection Convention by resolution 14/79 at its previous session, it had urged the parties to the Convention to accept the revised text at the earliest possible time. The Conference noted, however, that only 22 acceptances had been received to date, while at least another 33 acceptances were required for the entry into force of the revised text. In view of the importance of the Convention, the Conference reiterated its appeal to States that had not yet accepted the revised text of the Convention to deposit an instrument of acceptance as soon as possible.²¹⁷

(e) *Applications for Membership*

At its 79th session (22 June–2 July 1981) the Council was informed that Bhutan had applied for membership in the Organization. Pending a decision by the Conference on this application, 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 Bhutan to participate in an observer capacity at appropriate Council meetings, as well as at regional and technical meetings of the Organization of interest to it.²¹⁸

At its Twenty-First Session, the Conference admitted Bhutan, Equatorial Guinea, Saint Vincent and the Grenadines, Tonga and Zimbabwe to membership in the Organization.²¹⁹

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

At its Eightieth Session, the Council agreed that the 1968 Memorandum of Understanding between FAO and the Asian Development Bank be terminated by mutual consent and welcomed the fact that the Director-General and the President of the Asian Development Bank would consequently be in a position to sign a new Memorandum of Understanding.²²⁰ A new Memorandum of Understanding on working arrangements was signed by FAO and the Asian Development Bank in November 1981.

A new Memorandum of Understanding (replacing an earlier one concluded between FAO and the African Development Bank, which entered into force in 1968) was signed in August 1981 by FAO and the African Development Bank and the African Development Fund.

(g) *Treaties concluded at Plenipotentiary Conferences convened by the Organization*

An Agreement for the Establishment of a Regional Centre on Agrarian Reform and Rural Development of Latin America and the Caribbean was adopted at a Plenipotentiary Conference convened by FAO and held in Caracas from 8 to 11 September 1981. The Director-General of FAO is the depositary of this Agreement.

(h) *Activities of legal interest relating to commodities*

(i) Informal price arrangements on Jute, Kenaf and Allied Fibres

Although market prices of jute had remained far below the floor of the agreed price range since early 1980, the FAO Intergovernmental Group on Jute, Kenaf and Allied Fibres agreed in June 1981 to retain the indicative price for jute for the 1981/82 season at its previous level, in order to maintain the principle of its indicative price system. It also agreed on an indicative price range for Thai Kenaf.

(ii) *Informal price arrangements on hard fibres*

The informal price arrangements operated under the Intergovernmental Group on Hard Fibres were revised in March 1981. The indicative prices for sisal and abaca were maintained, but the operation of the export quota system for sisal and of the trigger mechanism for automatic consultations for abaca remained suspended.

(i) *Other activities of legal interest*

At its Twenty-First Session (7-26 November 1981), the Conference adopted:

- (i) resolution 7/81 by which it urged Member Nations and non-governmental organizations to strive, with the support of FAO, to ensure that the annual celebration of World Food Day would further intensify public awareness.²²¹
- (ii) resolution 8/81 by which it adopted the World Soil Charter and recommended to the United Nations and international organizations concerned to give effect to its Principles and Guidelines.²²²

B. *Environment law*

In 1981, FAO's assistance to governments also related to international and national environment law, including advice on soil conservation and desertification control legislation in arid and semi-arid zones.

In marine environment protection law, FAO strengthened its co-operation with the United Nations Environment Programme (UNEP), especially on the sub-programmes for the West and Central African regions, and for the Mediterranean Sea. It completed the preparatory legal work for the elaboration of a protocol on Mediterranean protected areas, and contributed to a Swedish International Development Authority (SIDA) training course (Halifax, Canada, July 1981) and an FAO/SIDA training programme (Yaoundé, Cameroon, Nov.-Dec., 1981) on marine pollution. It assisted in preparing and actively participated in the UNEP Senior Level Meeting on Environmental Law held at Montevideo in 1981. A comprehensive study on the legal aspects of environmental impact assessment and agricultural development was published in October 1981 as FAO Environment Paper No. 2.

II. LEGISLATION BRANCH²²³

(a) *Activities connected with international meetings*

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

— Joint FAO/WHO Expert Committee on Food Additives (JECFA) (25th Session, Geneva, 23 March–1 April 1981); the following paper was contributed: "Current national legislation relating to the use of certain hormones in stockraising".

— Interregional meeting of International River Organizations, organized by the United Nations, Dakar, Senegal (5-14 May 1981).

— Seminar on Water Legislation in Arab countries organized in Damascus, Syria (16-19 March) by the Centre Arabe pour l'étude des zones arides et des régions désertiques (ACSAD) and the Centre de formation internationale à la gestion des ressources en eau (CEFIGRE). A special paper was submitted to the seminar.

— Symposium on International River Law, organized by the Government of Bangladesh (Dacca, 5-10 December 1981).

— South Pacific Forum Fisheries Agency, Meeting on regional research and development programme (Honiara, Solomon Islands, 4-8 May 1981).

— Regional training workshop on joint ventures and other commercial arrangements with transnational corporations in the fisheries sector sponsored by FAO/SELA/UNCTC (Lima, Peru, 16-25 November 1981).

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

In 1981 legislative assistance was given to various countries on the following matters:

(i) *Fisheries Legislation*

Benin, Comoros, Equatorial Guinea, Fiji, Guatemala, Indonesia, Liberia, Madagascar, Malaysia, Maldives, Mauritania, Pakistan, Sierra Leone, Solomon Islands, the United Republic of Tanzania, Thailand and Vanuatu;

(ii) *Forestry Legislation*

Cape Verde, Ethiopia, Mozambique, Sierra Leone, Vanuatu;

(iii) *Animal and Animal Products*

Cape Verde;

(iv) *Meat Hygiene and Inspection Legislation*

Lesotho;

(v) *Soil Conservation Legislation*

Morocco;

(vi) *Water Legislation*

Somalia.

Assistance was also given to the Permanent Inter-State Committee for Drought Control in the Sahelian Zone on legal and institutional aspects relating to the establishment of regional grain stocks in its member countries.

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

Assistance and advice were provided on various subjects, such as: livestock laws in Pakistan; food additive and contaminant legislation in Spain; pesticide legislation in Afghanistan; basic food legislation in Benin, Morocco and Tunisia; food quality control in Algeria; veterinary regulations in Singapore.

(d) *Legislative research and publications*²²⁴

Research was conducted, *inter alia*, on phytosanitary legislation; plant protection legislation; legislation on food for infants and small children; agricultural insurance legislation; legislation on coastal state requirements for foreign fishing; wildlife and national park legislation in Africa; water law in Latin America; law of international water resources; regional compendia of fisheries legislation.

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

FAO published, semi-annually, *Food and Agricultural Legislation*. Annotated lists of relevant laws and regulations appear regularly in *Land Reform, Land Settlement and Cooperatives*, a semi-annual FAO publication. Similar lists are also published in the semi-annual *Food and Nutrition Review* and in *Unasylva* [An international journal of forestry and forest industries].

3. UNITED NATIONS EDUCATIONAL, SCIENTIFIC AND CULTURAL ORGANIZATION

1. CONSTITUTIONAL AND PROCEDURAL QUESTIONS

Membership of the Organization

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

<i>State</i>	<i>Date of signature</i>	<i>Date of deposit of instrument of acceptance</i>
Samoa	3 April 1981	3 April 1981
Bahamas	23 April 1981	23 April 1981

Under the terms of the relevant provisions of the Constitution²²⁵ each of the above-mentioned States became a member of the Organization on the respective date its acceptance took effect.

2. INTERNATIONAL REGULATIONS

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

In accordance with the terms of its Article 18, the Convention on the Recognition of Studies, Diplomas and Degrees in Higher Education in the Arab States, adopted on 22 December 1978 at Paris, France, by an International Conference of States convened by UNESCO, entered into force on 7 August 1981, that is, one month after the deposit with the Director-General of the second instrument of ratification.

(b) *Instruments adopted by International Conferences of States convened by UNESCO*

— Regional Convention on the Recognition of Studies, Certificates, Diplomas, Degrees and other Academic Qualifications in Higher Education in the African States (adopted on 5 December 1981 at Arusha, Tanzania).

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

In pursuance of Article 15 of the "Rules of Procedure concerning Recommendations to Member States and International Convention covered by the terms of Article IV, paragraph 4, of the Constitution", the Director-General transmitted to Member States in early 1981 certified copies of the following three Recommendations which were adopted by the General Conference during its twenty-first session held in Belgrade from 23 September to 28 October 1980:

- 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.

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

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

(d) *Preparation of new instruments*

In implementation of decisions²²⁶ taken by the General Conference at its twenty-first session to that effect, the Director-General prepared and transmitted to Member States for their comments and observations a preliminary report on the following subject:

— Recognition of studies, diplomas, and degrees in higher education in Asia and the Pacific.²²⁷

3. HUMAN RIGHTS

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 4 to 12 May and 2 to 11 September 1981 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 spring session, the Committee examined 57 communications of which 52 were examined with a view toward their admissibility and 5 were examined on their substance. Of the 52 communications examined as to admissibility, none were declared admissible, 16 were declared inadmissible, the examination of 24 communications was suspended, and 12 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 112th session.

At its fall session, the Committee had before it 43 communications of which 39 were examined as to their admissibility and 4 as to their substance. Of the 39 communications which were examined as to their admissibility, one was declared admissible, 8 were declared irreceivable, the examination of 23 communications was suspended, 2 communications were struck from the list since they were considered as having been settled, and 5 communications concerning missing persons were transmitted to the Working Group on Enforced or Involuntary Disappearances, set up by the United Nations Commission on Human Rights. The Committee presented its report on its examination of these communications to the Executive Board at its 113th session.

4. COPYRIGHT AND NEIGHBOURING RIGHTS

(a) *Universal Copyright Convention*

The Intergovernmental Committee of the Universal Copyright Convention held its Fourth Ordinary Session at Geneva from 30 November to 7 December 1981.

The Committee, sitting together with the Executive Committee of the Berne Union which held its nineteenth (seventh ordinary) session at the same place and on the same dates, deliberated upon a number of subject matters, some of which concerned the Intergovernmental Committee alone and some others which concerned also the Executive Committee of the Berne Union.

So far as matters regarding the Intergovernmental Committee alone were concerned, the Committee: (i) examined the findings of its Sub-Committee (Paris, 24-26 November 1980) on the revision of the Rules of Procedure of the Committee and adopted a new wording for Rule 49 of those Rules; (ii) discussed the question of the application of the Universal Copyright Convention *vis-à-vis* the system applicable to works not protected in their country of origin; and (iii) took note of the measures to promote accession to the Convention or its acceptance as well as legal and technical assistance to States to develop national legislation or infrastructures in the field of copyright.

As regards problems of common interest, the two Committees considered, *inter alia*, the following: (i) Application of the revised Paris texts of 1971 of the Universal Copyright Convention and of the Berne Convention in respect of developing countries; (ii) Copyright problems arising from the use of electronic computers for access to or the creation of works; (iii) Problems arising from the transmission by cable of television programmes; (iv) Application of the Universal Copyright Convention and the Berne Convention to material specially intended for the blind; (v) Copyright problems of those suffering from auditory handicaps; (vi) Intellectual property aspects of the protection of folklore; and (vii) Establishment of the Joint International UNESCO-WIPO Service for access by developing countries to works protected by copyright.²²⁸

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

The Intergovernmental Committee of the Rome Convention held its eighth ordinary session at Geneva from 11 to 13 November 1981.

At this session the Committee considered, in particular: Application of the International Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organizations (Rome Convention); (ii) Application of the Convention for the Protection of Producers of Phonograms against Unauthorized Duplication of their Phonograms (Phonogram Convention); (iii) Application of the Convention Relating to the Distribution of Programme-carrying Signals Transmitted by Satellite (Satellite Convention); (iv) Adoption of the Multilateral Convention for the Avoidance of Double Taxation of Copyright Royalties (Madrid Convention) and its Additional Protocol concerning royalties paid to performers, producers of phonograms and broadcasting organizations; (v) Ways and means of promotion of the Rome Convention, the Phonogram Convention, the Satellite Convention and the Madrid Convention; (vi) Problems arising from the transmission by cable of television programmes in the field of neighbouring rights: "The Committee decided that it should take up once again the problems posed by cable transmission of programs as they affected the rights of the beneficiaries of the Rome Convention" and "that it should meet as a Subcommittee, which could meet with the Subcommittees of the Intergovernmental Copyright Committees . . .". The joint meeting of these Subcommittees has been scheduled for 15 to 19 November 1982.²²⁹

(c) *Intellectual Property Aspects of Folklore Protection*

The joint UNESCO-WIPO "Working Group on the Intellectual Property Aspects of Folklore Protection", which had first met at Geneva from 7 to 9 January 1980, held its second and final meeting at Paris from 9 to 13 February 1981 and adopted the "Model Provisions for National Laws on the Protection of Expressions of Folklore". These Model Provisions along with the revised Commentary thereon, to be prepared by the two Secretariats, will be submitted for consideration to the "Committee of Governmental Experts on the Intellectual Property Aspects of the Protection of Expressions of Folklore", convened jointly by UNESCO and WIPO, which will meet at Geneva from 28 June to 2 July 1982.²³⁰

(d) *Safeguarding of Folklore*

In pursuance of Resolution 5/9.2/1, adopted by the General Conference of UNESCO at its twentieth session (Paris, 1978), the Director-General sent a circular letter CL/2670 accompanied by a questionnaire, on 31 August 1979, to the Member States in order to carry out a study, on the basis of a global survey, on the overall protection of folklore on an interdisciplinary basis. The Secretariat of UNESCO analyzed the responses to the questionnaire received from the Member States and prepared a "Study of the Measures of Preserving Folklore and Traditional Popular Culture", in view of submission to the Committee of Governmental Experts on the Safeguarding of Folklore convened by UNESCO at Paris from 22 to 26 February 1982.

(e) *Impact of Cable Television in the Sphere of Copyright and Neighbouring Rights*

The "Group of Independent Experts on the Impact of Cable Television in the Sphere of Copyright and Neighbouring Rights", convened jointly by UNESCO and WIPO, which held its first session from 10 to 13 March 1980, met at its second session from 25 to 27 May 1981 to examine the "Draft Model Provisions for the Protection of Authors, Performers, Producers of Phonograms and Broadcasting Organizations in Connection with Distribution by Cable" submitted by the two Secretariats. The Group of Experts considered that it was not in a position to adopt a final text and that the drafts should be subjected to further in-depth study. The Group also adopted resolutions, which, *inter alia*, direct the Secretariats to prepare a new working paper dealing with, separately, the rights of the various beneficiaries in the case of the cable distribution of their works and merging the Model Provisions and Commentary.²³¹

(f) *Legal Problems Arising from the Use of Computers for Access to or the Creation of Works*

In accordance with the decisions of the first UNESCO-WIPO Committee of Governmental Experts on Copyright Problems Arising from the Use of Computers for Access to or the Creation

of Works (Paris, 15 to 19 December 1980), the Secretariat of UNESCO and the International Bureau of WIPO prepared, in consultation with officers of the Committee, the "Draft Recommendations for Settlement of Copyright Problems Arising from the Use of Computers for Access to or the Creation of Works" and transmitted the same to the Governments of the Member States and to the interested intergovernmental and international non-governmental organizations for their observations, which are to be submitted to the Second Committee of Governmental Experts on the same subject to be held in June 1982.

(g) *Establishment of the "Joint International UNESCO-WIPO Service for Access by Developing Countries to Works Protected by Copyright"*

In view of the fact that some of the activities in WIPO's permanent programme concern field already covered by the activity of the International Copyright Information Centre of UNESCO, particularly with regard to access to works of foreign origin, the Director-General of UNESCO entered into negotiations with the Director General of WIPO which culminated in the establishment of the "Joint International UNESCO/WIPO Service for Access by Developing Countries to Works Protected by Copyright" with effect from 1 January 1981 in pursuance of resolution 5/01 adopted by the General Conference of UNESCO at its twenty-first session. And in order to advise the Directors General of those two Organizations on the preparation and implementation of the activities of the Joint Service, a "Joint UNESCO-WIPO Consultative Committee" was also set up.

(h) *Joint UNESCO-WIPO Consultative Committee on the Access by Developing Countries to Works Protected by Copyright*

The Joint UNESCO-WIPO Consultative Committee held its first ordinary session at UNESCO Headquarters from 2 to 4 September 1981 and considered the "Plan of Action for 1981/1982 of the Joint International UNESCO-WIPO Service for Access by Developing Countries to Works Protected by Copyright", which included (i) collection and dissemination of data; (ii) establishment of recommended standards; (iii) arrangements and machinery designed to operate realistic economic conditions; (iv) procedures for settling disputes between users of works in developing countries and foreign copyright owners; and (v) intellectual, technical and financial assistance to developing countries.²³²

(i) *Creation of a Committee for International Copyright Funds (COFIDA)*

The International Fund for the Promotion of Culture, an autonomous financial body under UNESCO, adopted at the April 1981 session of its Administrative Council the Rules of Procedure of the "Committee for International Copyright Funds" (COFIDA). COFIDA is a subsidiary organ of the Fund and provides, *inter alia*, total or partial financing for copyright royalties when a developing country encounters difficulties in paying for the reproduction, translation, adaptation, broadcast or communication to the public by any other means of works of foreign origin of an educational, scientific, technical, technological or cultural nature. The operations of COFIDA may take various forms, such as loans, intellectual and technical assistance to developing countries for purposes related to access to protected works of foreign origin.

4. WORLD BANK

INTERNATIONAL CENTRE FOR SETTLEMENT OF INVESTMENT DISPUTES (ICSID)

1. *Signatures and Ratifications*

During 1981 Barbados, Costa Rica, Paraguay and the United Arab Emirates signed the Convention;²³³ the United Arab Emirates, Ireland and the Solomon Islands deposited instruments of ratification.

2. *Disputes Submitted to the Centre*

Two new cases were registered by the Centre involving respectively: (i) Amco Asia Corporation, Pan American Development Ltd. and P. T. Amco Indonesia v. Government of Indonesia;

and (ii) Klöckner Industrie-Anlagen BmbH, Klöckner Belge, S. A. and Klöckner Handelsmaatschappij L.C. v. United Republic of Cameroon.

3. ICSID Publications

ICSID issued a new brochure (Doc. ICSID/12) describing its activities and revised Model Clauses (Doc. ICSID/5/Rev.1).

5. INTERNATIONAL MONETARY FUND

The following is a brief description of the principal activities and decisions of the International Monetary Fund that took place during 1981 and that have legal implications.

MEMBERSHIP, QUOTAS, AND PARTICIPATION IN THE SPECIAL DRAWING RIGHTS DEPARTMENT

Bhutan and Vanuatu joined the Fund on September 28, 1981, raising the membership of the Fund to 143 countries. Both countries elected to participate in the Special Drawing Rights Department and, as a result, all Fund members were participants in that Department at the end of 1981.

The Executive Board began preparatory work in the Eighth General Review of Quotas with consideration of the economic criteria entering into quota calculations.

On December 1, 1980, Saudi Arabia requested a substantial special increase in its quota to reflect the changes in Saudi Arabia's relative economic position. The increase from SDR 1,040.1 million to SDR 2,100 million was recommended by the Executive Board and authorized by the Board of Governors. The increase became effective September 8, 1981 and increased Saudi Arabia's share of total quotas from 1.74 per cent to approximately 3.5 per cent. In a collateral resolution the Board of Governors reaffirmed the size and composition of the Executive Board.

SPECIAL DRAWING RIGHTS

The Executive Board took major decisions to enhance the role of the special drawing right as an international reserve asset. The valuation basket of the SDR was reduced from 16 currencies to 5 currencies and unified with the SDR interest rate basket, with effect from January 1, 1981. The SDR rate of interest was raised from 80 per cent to 100 per cent of the combined market interest rate, with effect from May 1, 1981. The reconstitution requirement whereby each member was obliged to maintain over time a minimum average level of SDR holdings of 15 per cent of its net cumulative allocation of SDRs was eliminated as of April 30, 1981. SDRs are freely transferable, by agreement between participants, in transactions and may be used freely in prescribed operations that include forward purchases and sales, loans, donations (grants), swaps, and pledges of SDRs.

During the year the Central Bank for West African States was prescribed as an "other holder" of SDRs, bringing the total number of prescribed "other holders" to ten. These institutions can acquire and use SDRs in transactions and operations by agreement with any other holder or with any of the Fund's member countries to the same extent as Fund members. "Other holders", however, are not eligible to receive allocations of SDRs and cannot use SDRs in "transactions with designation", that is, a transaction in which the recipient is required to receive them and give the user a freely usable currency.

The SDR, which is the unit of account of the Fund, is finding increasing acceptance as a unit of account (or as the basis for a unit of account) for private contracts and international treaties. It is also used by other international and regional organizations as the unit of account or the basis for the unit of account, e.g., the Arab Monetary Fund, the Asian Clearing Union, the Economic Community of West Africa, the Islamic Development Bank, and the Nordic Investment Bank.

The reduction in the number of currencies in the SDR valuation basket from 16 to 5 on January 1, 1981 further enhanced its usefulness as a unit of account and gave impetus to the issue of private financial obligations denominated in SDRs. Time deposits denominated in SDRs were accepted by

a number of commercial banks in major financial centers and the Bank for International Settlements. The year also saw the offering of demand deposit accounts denominated in SDRs and clearance finance facilities for SDR-denominated bonds and the acceptance of SDR deposits in payment of SDR-denominated issues. A group of London banks announced in January 1981 that they would issue and trade certificates of deposit (CDs) denominated in SDRs using uniform documentation and agreeing to repurchase CDs they had issued, thereby helping to establish a secondary market in which these CDs could be traded. In February 1981, the Nordic Investment Bank launched a bond issue denominated in SDRs and Sweden obtained a five-year syndicated loan consisting of two tranches, the second 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.

CONSULTATIONS

Article IV, Section 3, of the Articles of Agreement provides that the Fund shall oversee the international monetary system and the compliance of each member with its obligations concerning its economic and financial policies. In order to fulfill these tasks the Fund must exercise firm surveillance over the exchange rate policies of members and adopt policies to guide members with respect to these policies. In April 1981, the Executive Board conducted the annual review of the general implementation of the Fund's surveillance over members' exchange rate policies. In the review, Executive Directors supported the continuation of the procedures, adopted by a 1977 decision of the Executive Board regarding surveillance, which provide for the conduct of regular Article IV consultations with members, the World Economic Outlook discussions, and supplemental surveillance procedures for discussions and *ad hoc* consultations. Executive Directors also supported a more active and timely contact with members to enable the Fund to analyze important developments during the interval between regular Article IV consultations.

BORROWING

The Fund may supplement its ordinary resources from member's subscriptions to quotas by borrowing. At the beginning of 1981, the Fund had outstanding borrowing under the General Arrangements to Borrow, the oil facility and the supplementary financing facility from some of its members or their central banks and also from Switzerland or the Swiss National Bank under the latter two facilities.

On May 7, 1981, a large-scale borrowing agreement was concluded between the Fund and the Saudi Arabian Monetary Agency (SAMA) to finance the Fund's policy of enlarged access that became operative on the same date. SAMA agreed to lend to the Fund up to SDR 4 billion in the first year of the commitment period and up to SDR 8 billion in the second year with a possible further commitment for a third year if their balance of payments and reserve position permit. Interest will be paid by the Fund semiannually, on the basis of the weighted average rate of five-year government securities in each of the component currencies of the SDR (U.S. dollar, Deutsche mark, French franc, Japanese yen and pound sterling). The claims of SAMA may be transferred to any member of the Fund or a prescribed holder of SDRs, and SAMA will be able to obtain, at its request, promissory notes in bearer form, which would be transferable to other parties, official or private.

Any disputes under the agreement with SAMA will be settled by mutual agreement and, failing such agreement, by international arbitration. Disputes on bearer notes, if the bearer-note option is taken by SAMA, will be subject to adjudication in the Federal courts in the State of New York, the courts of England or the ordinary Courts of Justice of the Canton of Geneva, Switzerland and, for this purpose only, the Fund will waive its immunity with respect to jurisdiction and execution in any member country.

During 1981, the central banks or official agencies of 16 countries agreed that they will make available to the Fund the equivalent of SDR 1.3 billion over a commitment period of two years.

Effective May 5, 1981, the Executive Board adopted decisions on the establishment of Borrowed Resources Suspense Accounts for holding balances of currencies borrowed pending their transfer to the General Resources Account for use in transactions with members, or received in repurchases made before repayment can be made. Balances held in these Accounts are to be invested until they can be transferred to the General Resources Account for use in a transaction or operation. The Managing Director may invest currencies held in the Borrowed Resources Suspense Account in deposits, denominated in SDRs, with the national official financial institution of a member issuing the currency borrowed or to which the borrowed funds may be transferred for investment or with the Bank for International Settlements.

CHARGES AND REMUNERATION

The Fund took a major decision, effective May 1, 1981, to simplify the Fund's structure of charges and to provide for periodic reviews of the Fund's income position, including a mechanism to assure over time a positive net income for the Fund. It was decided to simplify the structure of the Fund's charges by introducing a single rate of charge on members' use of the Fund's ordinary resources to be fixed by the Executive Board at the beginning of each financial year on the basis of the estimated income and expense of the Fund for the year and the target amount of net income. If at mid-year the net income for the first six months is found to be below projections by more than two per cent of the Fund's reserves at the beginning of the financial year, the level of the rate is reviewed and if no other decision is taken the rate is automatically increased to the level needed to reach the target amount of net income. Beginning May 1, 1981, this single rate of charge was set at 6.25 per cent per annum on the daily average outstanding balances of members' purchases.

The Fund also established the rate of charge on the use by members of borrowed resources under the policy of enlarged access. The rate to be applied was equal to the net cost of such resources to the Fund plus a margin of 0.2 per cent per annum.

The rate of remuneration that the Fund pays to members on their creditor positions, which is linked directly to the SDR rate of interest, remained at 90 per cent of that rate. But in April 1981, the Executive Board took important decisions on the SDR interest rate and the rate of remuneration. Rule T-1 of the Fund's Rules and Regulations was amended to increase the rate of interest on the SDR from 80 per cent to 100 per cent of the combined market rate, rounded to two decimal places. At the same time, Rule I-10 was amended to set the rate of remuneration at 85 per cent of the rate of interest on the SDR, rounded to two decimal places.

MULTIPLE CURRENCY PRACTICES

Article VIII, Section 3, of the original Articles of Agreement prohibits a member from engaging in, or permitting its fiscal agencies to engage in, multiple currency practices or discriminatory currency arrangements except as authorized under the Agreement or approved by the Fund. As the concept of multiple currency practices is not defined in the Articles, the Fund's policy has evolved from the decisions and guidelines adopted by the Executive Board. The concept originally related to parities or margins being observed for exchange transactions and took account of effective rates of exchange.

Following the currency realignments of 1971, the application of the Fund's policy on multiple currency practices continued to be applied in accordance with decisions on Central Rates and Wider Margins. The criteria of a permissible 2 per cent spread between buying and selling rates for spot exchange transactions between a member's currency and the currency of another member, and of a permissible difference of 2 per cent between any two buying or any two selling rates for spot exchange transactions between a member's currency and the currencies of other members, used to determine the existence of a multiple currency practice, were continued.

The Second Amendment of the Articles of Agreement came into force on April 1, 1978 and created obligations for members with respect to exchange arrangements that differ from those under the original Articles. In 1979, the Executive Board initiated a review of the Fund's jurisdiction over multiple currency practices and in March 1981 concluded that the policy of the Fund in

exercising its approval jurisdiction over multiple currency arrangements remained broadly appropriate. In arriving at this conclusion, the Executive Board approved guidelines for the implementation of the Fund's policy, among them the following: (i) official action by a member or its fiscal agencies that of itself gave rise to a spread of more than 2 per cent between buying and selling rates for spot exchange transactions between the member's currency and any other member's currency would be considered a multiple currency practice and would require prior approval by the Fund; (ii) exchange spreads that arose without official action would not give rise to a multiple currency practice; (iii) deviations between the buying and selling rates for spot exchange transactions and for other transactions would not be considered multiple currency practices if they represented the additional costs and exchange risks for these other transactions; (iv) the Fund was prepared to grant approval of multiple currency practices introduced or maintained for balance of payments reasons provided the member represented that the measures were temporary and were being applied while the member was endeavouring to eliminate its balance of payments problems, and provided the member did not gain an unfair competitive advantage over other members; and (v) as to approval of multiple currency practices introduced or maintained principally for non-balance of payments reasons, the Fund was prepared to grant temporary approval if such practices did not materially impede the member's balance of payments adjustment, did not harm the interests of other members, and did not discriminate among members.

USE OF THE FUND'S RESOURCES

Effective May 1, 1981, the Executive Board took decisions under which a member using the credit tranches or the extended Fund facility would have the option to either use or retain a reserve tranche position, giving members greater flexibility in timing the use of their reserve tranche position. This action was taken under Article XXX(c) of the Fund's Articles of Agreement, which permits the Fund to exclude purchases and holdings for the purpose of the definition of a reserve tranche purchase. The request for a reserve tranche purchase cannot, by Article V, Section 3(c), be subject to challenge, and is therefore met automatically.

On May 13, 1981, the Executive Board adopted a decision on compensatory financing of fluctuations in the cost of cereal imports for assisting members that encounter a balance of payments difficulty produced by an excess in the cost of their cereal imports largely attributed to factors beyond a member's control. This assistance is integrated with that available under the compensatory financing facility for shortfalls in export earnings, with an overall purchase limit of 125 per cent of quota.

6. UNIVERSAL POSTAL UNION

UPU continued its study of the legal and administrative problems entrusted by Congress to the Executive Council (EC). Among the most important problems which may be of interest to other organizations, specific mention should be made of the following studies:

Organization, functioning and methods of work of Congress;

Organization, functioning and methods of work of the Executive Council (EC) and delimitation of powers between the EC and the Consultative Council for Postal Studies (CCPS);

Jurisdiction of the Union;

Quorum required for amending the Constitution;

Abolition of the Supervisory Authority.

For more than a century, the Swiss Confederation had exercised, as regards UPU, a number of administrative responsibilities in connection with the organization's staff and finances.

Since the establishment of the Executive Council in 1948, Switzerland has gradually been relieved of those functions. A final step was taken in this direction at the eighteenth Congress, when the Union assumed responsibility for its own financing. At the end of its study on the legal

and practical outcome of this system of self-management, the Executive Council concluded that the residual provisions concerning the Supervisory Authority should be deleted from the UPU regulations.

7. WORLD HEALTH ORGANIZATION

I. CONSTITUTIONAL AND LEGAL DEVELOPMENTS

1. During the year 1981 one country became a member of WHO through the deposit of a formal instrument of acceptance of the Constitution of the WHO following admission to the United Nations, as provided for in Articles 4 and 79(b) of the WHO Constitution.

The new member is: Dominica.

The date of acceptance is: 13 August 1981.

The total membership of the Organization was thus at the end of the year 157 members and 1 associate member.

2. The amendments to Articles 24 and 25 of the Constitution, which had been adopted in 1976 by the Twenty-ninth World Health Assembly, and which provide for an increase of the membership of the Executive Board from 30 to 31, were accepted by 8 member States in 1981. This brings the total number of instruments of acceptance so far deposited to 59; a further 46 acceptances are still required for the attainment of acceptance by two-thirds of the members, which is necessary for the entry into force of amendments under Article 73 of the Constitution.

3. The amendment to Article 74 of the Constitution, which had been adopted in 1978 by the Thirty-first World Health Assembly and which includes an Arabic version of the Constitution among the authentic texts, was accepted by 3 member States. The number of acceptances so far received has thus reached 16.

4. The Thirty-fourth World Health Assembly considered the question of periodicity of Health Assemblies, in the light of the views expressed by the regional committees, the discussions at the sixty-seventh session of the Executive Board and the Director-General's report thereon.²³⁴ The Assembly decided to retain the practice of annual assemblies, as a change in the periodicity of the Health Assemblies should take place only in connexion with other structural reforms, such as changes in the composition and size of the Executive Board and the role and function of all bodies of the Organization.²³⁵

5. The Thirty-third World Health Assembly requested an Advisory Opinion from the International Court of Justice (ICJ) on certain questions regarding the transfer of the Regional Office for the Eastern Mediterranean from Alexandria.²³⁶ The ICJ delivered its Advisory Opinion on the "Interpretation of the Agreement of 25 March 1951 between the WHO and Egypt" on 20 December 1980. The Thirty-fourth World Health Assembly accepted the Advisory Opinion and recommended that all parties concerned be guided by it. It requested the Director-General to initiate action as contained in paragraph 51 of the Advisory Opinion and report the results to the sixty-ninth session of the Executive Board in January 1982 for consideration and recommendation to the Thirty-fifth World Health Assembly in May 1982.²³⁷ The Director-General was also requested to take any action necessary to ensure the smooth operation of the technical, administrative and managerial programmes of the Regional Office for the Eastern Mediterranean during the period of consultation.

6. The Thirty-fourth World Health Assembly adopted, as a recommendation, the International Code of Marketing of Breast-milk Substitutes pursuant to Article 23 of the WHO Constitution.²³⁸ The Health Assembly also urged Member States to translate the International Code into national legislation, regulations or other suitable measures. In the same resolution, the Assembly requested the Director-General to report to the Thirty-sixth World Health Assembly on the status of compliance with and implementation of the Code at the country, regional and global levels.

II. HEALTH LEGISLATION

7. The structure of the *International Digest of Health Legislation* (published quarterly by WHO in English and French editions) was substantially modified as from the first issue for 1981 (Vol. 32, No. 1). To facilitate reference to legislation on specific health topics, material is now presented by subject rather than by country, although the needs of readers who wish to study national legislative measures are catered for by a chronological index by country in each issue. The coverage of significant new publications has been increased. A Symposium on *Self-care and the Law* was published; this examines legal implications of self-care in the USA and seven European countries.

8. Further steps were taken, at the headquarters and regional levels, in the course of 1981 for strengthening co-operation between the Organization and its member States in health legislation, with regard to both the transfer of relevant information and technical co-operation. The measures taken were in line with the resolutions on health legislation adopted by the World Health Assembly in 1977 (WHA30.44) and 1980 (WHA33.28) and by the Executive Board of WHO in 1980 (EB65.R13). There is a growing realization on the part of public health administrators of the importance of legislation as a key element in assuring an effective health system infrastructure at the national level and as a controlling mechanism in some areas of health science and technology.

9. One of these areas is biomedical research involving human subjects, and a review of national legislation and codes on this subject was presented at the XVth CIOMS Round Table Conference on Human Experimentation and Medical Ethics, held in Manila from 13 to 16 September 1981 (the Proceedings will be published by the Council for International Organizations of Medical Sciences in 1982). Another is pharmaceuticals; a consultation on basic elements of drug legislation and regulatory control for developing countries was held in Geneva from 15 to 19 June 1981. A major international study on legislation relating to the treatment of drug-and-alcohol-dependent persons was initiated in 1981. It is anticipated that the final report will be published in 1983.

10. Particularly significant activities at the regional level included the convening of the first meeting of the WHO Regional Office for Europe's Advisory Committee on Health Legislation (Dresden, 24-26 June 1981), and the holding of the First National Seminar on Health Legislation in Dacca, from 24 August to 5 September 1981. The Organization was represented at a national seminar on the child and the law, held in Kabul from 6 to 8 September 1981.

11. Close contacts were maintained with other organizations in the UN system with an interest in areas allied to health legislation, and relevant information was regularly exchanged with officials in other agencies publishing national legislation in legislative series or the equivalent. There was particularly close co-operation with UNEP, and WHO was represented at the *Ad Hoc* Meeting of Senior Governmental Officials Expert in Environmental Law (Montevideo, 25 October-6 November 1981).

8. WORLD METEOROLOGICAL ORGANIZATION

I. WEATHER MODIFICATION

Review of the present status of weather modification

8. *Economic, social and environmental aspects of weather modification*

8.1 Weather modification is sometimes considered when there is a need to improve the economy of a region by increasing water resources for agricultural use, water supplies for cities, or for hydroelectric power generation. In deciding whether to apply such techniques, it hardly need be emphasized that the benefits of modification should be larger than the costs of a weather modification operation. However, in considering benefits to some segments of the population, losses to other groups must also be weighed, together with possible compensation schemes. For example, whereas one type of crop may benefit from more rain, another may not; more rain may be good

for agriculture, but not for a flourishing tourist industry in the same area; bigger crop yields may lead to lower prices and reduced profitability of some farm operations. Thus it is necessary to consider not only the economics of the segment that desires a certain type of weather modification, but the overall net effect on the whole community.

8.2 Precipitation enhancement has to be viewed from the overall aspect of total water resource management. It may be difficult or impossible to ameliorate drought conditions when they occur. In most droughts, clouds suitable for seeding are normally scarce. Replenishing aquifers with water (which can be pumped to the surface if needed) or filling reservoirs and augmenting snowpacks is obviously easier because the timing of precipitation is not crucial. Thus, changes in agricultural practices, with conversion to storage and irrigation, may be needed.

8.3 Wherever weather modification causes economic conflicts, problems of a legal nature may arise. Besides, weather modification activities within the boundaries of a particular state may be perceived by a neighbouring state as having adverse effects within its borders (the so-called "extra-area effects", which in this case are alleged to go beyond the boundaries of the state carrying out weather modification activity).

8.4 Some countries already have provisions for regulating the conduct of weather modification activities, while the international community is developing guidelines for resolving international conflicts arising out of weather modification activities. However, it must be emphasized that weather modification still remains in the realm of research. Any legal system aimed at regulating weather modification at the international level must be developed hand in hand with scientific knowledge in the field.

8.5 The implications of any projected long-term weather modification operation on ecosystems need to be assessed before long-term, large-scale operations are undertaken. Such impact studies could reveal changes in the balance of economic benefit. During the operational period, monitoring of possible environmental effects should be undertaken as a check against estimated impacts.

2. QUESTIONS RELATING TO THE CONVENTION AND THE GENERAL REGULATIONS

Interpretation of the term "designated" in Regulation 142 of the General Regulations

The Executive Committee further examined this question in pursuance of its request during its last session to the Secretary-General to study amendments to the Convention and General Regulations which would be deemed necessary for each of the two alternatives considered by the Committee during that session.

The discussion, which was based on the report submitted by the Secretary-General to this effect, confirmed two trends of thought among the members of the Committee corresponding to the two alternatives.

It was, however, generally felt that if the term "designated" in Regulation 142 was to be interpreted as "elected", the Convention should be amended accordingly.

If, on the other hand, the term "designated" would be interpreted as meaning a "decision", the Executive Committee would merely have to amend its Rules of Procedure.

The Committee requested the Secretary-General to prepare a draft report to EC-XXXIV for submission to Ninth Congress containing the study prepared by the Secretary-General and the detailed amendments which would satisfy each of the two alternatives.

The Committee also requested the Secretary-General to emphasize in this report the expressed suggestion to confine the list of candidates for an acting member of the Executive Committee to those coming from the same Region as the outgoing member.

Distribution of seats on the Executive Committee amongst the different Regions

The Executive Committee studied the results of the consultation with the members of the Organization on the subject of the distribution of seats on the Committee amongst the different Regions.

In view of the inability to work out a consensus on this matter, the Committee requested the Secretary-General to communicate the results of his consultation to all members, as requested by Eighth Congress, so that they might send their comments before the next session of the Committee.

Discrepancy between the English and French texts of Article 14(f) of the WMO Convention

The Executive Committee examined the existing discrepancy between the English and French texts of Article 14(f) of the Convention and agreed on determining the meaning of this Article on the basis of the French version of the Convention which refers to the term "work programme".

The Executive Committee requested the Secretary-General to incorporate the above meaning in a draft resolution for the interpretation of the Convention which would be submitted by the Committee to Ninth Congress.

Procedures relating to invitations for sessions of constituent bodies

The Committee also noted the heavy concentration of a large number of sessions of constituent bodies during 1981-1982. The Committee reiterated the view expressed at Eighth Congress that such a concentration of sessions is disadvantageous to the members intending to participate in those sessions. As a result, the budgetary and staff resources of the Organization are often overstretched. The Committee was of the view that a balanced programme of meetings should not be sacrificed at the expense of necessarily finding a host country. Instead, in the absence of a host, the session of the constituent body should be held at the WMO Headquarters.

The Committee therefore decided to propose to Ninth Congress to amend Annex I to the General Regulations (Reference: Regulation 16) by incorporating a provision which would automatically shift the session to Geneva in case no formal invitation from the inviting Government to host that session is received at least 300 days before the scheduled date of the opening of the session. The Committee requested the Secretary-General to prepare the appropriate draft proposal for amendment in this respect.

The Executive Committee studied the question of institutionalizing the Bureau of the Executive Committee following the request made by Eighth Congress.

The Executive Committee noted that the Bureau was conceived by the first session of the Executive Committee as a forum for informal consultations for the organization and co-ordination of the work of the Executive Committee both during and between its sessions and that it has been playing an important role in this respect.

After considerable discussion, it was generally agreed that it was neither necessary nor desirable to institutionalize the Bureau and therefore the Committee proposed that no amendments be made to the General Regulations. The General Regulations (Regulation 31) provide for any constituent body to establish working groups to act until the next session of that constituent body. Thus the Executive Committee may establish the Bureau as an Advisory Working Group.

There was general consensus that the role and the composition of the Bureau should continue in a similar fashion as at present. In this connexion, it was noted that the function of the Bureau shall continue to consist of the organization and co-ordination of the work of the Committee.

The Executive Committee requested the Secretary-General to convey its views to Ninth Congress.

3. 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 following decisions of the International Civil Service Commission.

Staff Rules applicable to Headquarters staff

These amendments relate to provisions regarding maternity leave (Staff Rule 162.2); 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); conditions governing local recruitment (Staff Rule 142.2, Appendix B.2); standards of accommodation and travel time, excess baggage and unaccompanied shipments (Staff Rules 171.8 and 171.19); salary scales for staff in the General Service category (Staff Rule 131.2, Appendix B.1) on two occasions, effective 1 January 1980 and 1 March 1980; new salary scales and post adjustment schedules for staff in the Professional category and above, as a result of the consolidation of thirty points of post adjustment into the base salary (Staff Rule 131.1, Appendix A.1; Staff Rule 133.1, Appendix A.2); revised rates of staff assessment (Staff Rule 132.1); definition of pensionable remuneration (Staff Rule 134.10); maternity leave (Staff Rule 162.2); education grant (Staff Rule 134.2).

Staff Rules applicable to Technical Assistance Project Personnel

These amendments relate to 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); new salary scales and post adjustment schedules, as a result of the consolidation of thirty points of post adjustment into the base salary (Staff Rule 203.1, Appendices I and II); revised rates of staff assessment (Staff Rule 203.4) and the provisions regarding education grant (Staff Rule 203.7).

4. MEMBERSHIP OF THE ORGANIZATION

Zimbabwe and Saint Lucia became members of the Organization under Article 3(b) of the Convention on 11 February 1981 and 1 April 1981 respectively, those dates being the thirtieth day of the respective deposits of the instruments of accession to the Convention.

The total membership of the Organization at the end of 1981 comprised 149 States and five Territories.

9. INTER-GOVERNMENTAL MARITIME CONSULTATIVE ORGANIZATION

MEMBERSHIP OF THE ORGANIZATION

In 1981, the following countries became members of the Inter-Governmental Maritime Consultative Organization: El Salvador (12 February), Costa Rica (4 March) and St. Vincent and the Grenadines (29 April). At 31 December 1981, the number of members of IMCO was 121. There is also one associate member.

1. *Consideration of draft articles for a convention on liability and compensation in connexion with the carriage of noxious and hazardous substances by sea*

The Legal Committee made further progress in its consideration of the draft articles for a convention on liability and compensation in connexion with the carriage of noxious and hazardous substances by sea (HNS Convention) and matters related thereto including, in particular, the question of possible draft provisions on damage arising from fire or explosion on oil tankers carrying or having carried oil in bulk. The draft prepared by the Committee will be submitted to a diplomatic conference in 1983 or 1984.

2. *Possible review of the limits of liability and compensation provided in the 1969 Civil Liability Convention and the 1971 Fund Convention*

The Legal Committee gave further attention to the question of a possible review of the liability and compensation régime in the 1969 Civil Liability Convention²³⁹ and the 1971 Fund Convention²⁴⁰ based on the results of the work undertaken at an informal meeting held in Washington, D.C. in June 1981. The Committee also took note of the Council's direction to the Committee to devote an appropriate part of the meeting time available in the 1982/1983 biennium to progressing the work on the revision of the 1969 and 1971 Conventions with a view to making it possible for the question to be dealt with also at the proposed diplomatic conference for considering the HNS Convention.

3. *Barratry, unlawful seizure of ships and their cargoes and other forms of maritime fraud*

The twelfth IMCO Assembly adopted on 20 November 1981 Resolution A.504(XII) on barratry, unlawful seizure of ships and their cargoes and other forms of maritime fraud, having considered the proposal made by the Council in the light of recommendations of the *Ad Hoc* Working Group appointed by the Council to examine the subject.

4. *Changes in status of IMCO Conventions*

(a) The Protocol of 1978 relating to the International Convention for the Safety of Life at Sea, 1974, entered into force on 1 May 1981, in accordance with its Article V.

(b) The Maritime Safety Committee adopted, at its 45th session on 20 November 1981, amendments to Chapters II-1, II-2, III, IV, V and VI of the International Convention for the Safety of Life at Sea, 1974, in accordance with Article VIII(b) (iv) of the Convention. The Committee determined in accordance with Article VIII(b) (vi) (2) (bb) of the Convention that all of the above-mentioned amendments shall be deemed to have been accepted unless, prior to 1 March 1984, more than one third of Contracting Governments to the Convention or Contracting Governments the combined merchant fleets of which constitute not less than fifty per cent of the gross tonnage of the world's merchant fleet, have notified their objections to the amendments.²⁴¹

(c) The Assembly at its twelfth regular session adopted, on 19 November 1981, amendments to the International Regulations for Preventing Collisions at Sea, 1972; and decided, in accordance with paragraph 4 of Article VI of the Convention, that each amendment shall enter into force on 1 June 1983 unless by 1 June 1982 more than one third of the Contracting Parties to the Convention have notified their objection to the amendments.²⁴²

(d) The Maritime Safety Committee, at its 44th session, adopted on 2 April 1981 amendments to Annex I to the International Convention for Safe Containers, 1972, in accordance with the terms of Article X(3) of the Convention. The amendments entered into force on 1 November 1981 for all Contracting Parties.

(e) The 1976 Protocol to the International Convention on Civil Liability for Oil Pollution Damage, 1969, entered into force on 8 April 1981, in accordance with Article V of the Protocol.

(f) The Contracting Parties to the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matters, 1972, adopted, at their Fifth Consultative Meeting on 24 September 1980, resolution LDC Res.12(V) concerning the amendment of the lists of substances contained in Annexes I and II to the Convention. In accordance with the terms of the resolution and Article XV(2) of the Convention, the amendments entered into force on 11 March 1981 for all Contracting Parties, with the exception of the Federal Republic of Germany and Japan, which made declarations of non-acceptance.

10. INTERNATIONAL FUND FOR AGRICULTURAL DEVELOPMENT

A. MEMBERSHIP

As of 31 December 1981, IFAD had a total membership of 133 countries: 20 in Category I (developed countries), 12 in Category II (OPEC members) and 101 in Category III (other developing countries). At its 5th Annual Session, held from 19 to 22 January 1982, at Rome, the Governing Council admitted the Kingdom of Tonga to the membership of IFAD in Category III. Upon the deposit of its instrument of accession with the Secretary-General of the United Nations, the Kingdom of Tonga became the 134th member of IFAD.

B. LENDING ACTIVITIES²⁴³

During 1981 the Executive Board of IFAD approved financial assistance totalling the equivalent of about \$US 335 million for 30 agricultural and rural development projects in 30 developin

member countries of IFAD in Africa, Asia and Latin America (compared to 27 projects in 1980, 23 projects in 1979 and 10 in 1978). Most of the projects approved concentrated on increasing the production of food crops; however, there were also projects that had cash crop and livestock components as long as the additional income from such projects accrues to the rural poor. Of these 30 projects, 12 are exclusively IFAD financed and the remaining 18 are co-financed with other international financial institutions. For 16 of the 30 projects mentioned, the financial assistance was approved subject to the condition that the President of IFAD will sign financing agreements for each such project only when funds become available. This restriction was imposed by the Executive Board because at the time of approval of those projects, the replenishment of IFAD resources had not been completed.²⁴⁴

In addition, technical assistance grants of about \$US 23 million were approved during the year 1981. As of 31 December 1981, the total amount of IFAD's loan approvals during its first four years of operation was \$US 1,150 million. During the same four-year period, \$US 42 million was made available as grants for technical assistance. Thus, total assistance, as loans and grants, provided by IFAD from 1978 to the end of 1981, in 76 member countries, was approximately \$US 1,190 million.

C. RESCINDING OF APPROVED FINANCIAL ASSISTANCE

In 1979, the Executive Board of IFAD had approved financial assistance equivalent to SDR 10,192,000 for an agricultural and rural development project in Afghanistan. In approving the financial assistance for the project, the Board had instructed the President to sign the Financing Agreement for the Project, when the situation within the project area indicated that the project could be implemented. The Agreement, however, remained unsigned by the end of 1981, when the International Development Association, which was the principal co-financier in the project, decided to cancel its loan for the project. The co-financier proceeded with the cancellation of its credit for the project as the borrower could not satisfy some of the conditions precedent laid down in the Credit Agreement for the successful implementation of the project. On reviewing the situation, the Executive Board of IFAD during its 14th Session (15-17 December 1981) decided to rescind, with effect from 31 December 1981, its earlier approval of the financial assistance for the project and release the funds committed for that project for other operational activities of IFAD.

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 3rd Annual Session, held in January 1980, the Governing Council of IFAD adopted Resolution 14/III which commenced the exercise for the first replenishment of IFAD's resources. Two years after the adoption of that Resolution, the Governing Council, at its 5th Annual Session, in January 1982, adopted Resolution No. 22/V, completing the replenishment exercise. The operative paragraphs of the Resolution read:

- “(i) The Fund shall accept additional contributions from Members of the Fund and any special contributions to the first replenishment of its resources as indicated in the attached Schedule (Attachment A) and in accordance with the arrangements set forth in the Resolution adopted by the Executive Board for this purpose at its Twelfth Session, as amplified by sub-paragraph (iv) below.
- “(ii) To make a contribution, the contributing Member shall, in accordance with its constitutional and budgetary procedures, deposit with the Fund as soon as possible an Instrument of Contribution formally confirming the Member's commitment to contribute to the Fund's resources. A similar procedure shall be followed in respect of any special contribution. The Fund may also accept a joint Instrument of Contribution on behalf of several Member States.

- “(iii) The first replenishment shall come into effect on the date that Instruments of Contribution have been deposited with the Fund in an aggregate amount representing at least 50 percent of the respective total contributions of Members in Categories I and II. Each Instrument of Contribution shall become effective when the first replenishment comes into effect or when such Instrument is deposited with the Fund, whichever is later.
- “(iv) To enable the Fund to undertake its planned operational programme of US\$ 1,350 million contributions shall be paid in one, two or three instalments, in such a manner that the last instalment is paid within the current replenishment period, i.e., before the end of 1983.
- “(v) Any Member may, if it chooses, notify the Fund that its contribution, or a part thereof, shall be regarded as an advance contribution which may be utilized by the Fund for the purpose of making commitments prior to the effectiveness of the replenishment. Upon effectiveness of the replenishment, any amounts so contributed shall cease to be regarded as advance contributions.”

E. PERMANENT SEAT OF IFAD

Section 9 of Article 6 of the Agreement Establishing IFAD provides that: “the Governing Council shall determine the permanent seat of the Fund by a two-thirds majority of the total number of votes. The provisional seat of the Fund shall be in Rome”. Since its inauguration, IFAD had carried out its operations from this provisional seat. Previously, the Governing Council had requested the interested Member States to indicate their interest in having a permanent seat. Consequently a number of countries, including the Republic of Italy, extended invitations to host the permanent seat of IFAD. As the candidates could not reach a compromise amongst themselves on the seat issue, during its 5th Annual Session, the Governing Council, taking into account the recommendations of the Executive Board, decided to hold the balloting, to determine the permanent seat. There were three ballots held and on the third ballot, Italy received 1,342.88 votes out of the total of 1,800 votes of the Governing Council and Rome was declared by the Governing Council as the permanent seat of IFAD, through its adoption of Resolution No. 21/V. The operative paragraphs of the Resolution read:

“1. The Permanent Headquarters of IFAD shall be located in Rome.

“2. Noting that the ‘Agreement between the Government of the Italian Republic and the International Fund for Agricultural Development Regarding the Provisional Headquarters of IFAD’ will apply with immediate effect to the Permanent Headquarters of IFAD in accordance with its paragraph 45 (c), and in order to make the Agreement fully suitable for the Permanent Headquarters of IFAD, authorizes the President to review the aforesaid Agreement and negotiate with the Government of the Republic of Italy any necessary modifications or additions thereto, submitting the same for approval to the Governing Council.

“3. Requests the President to report to the Governing Council at its Sixth Session concerning the adequacy of the facilities, privileges and immunities and related administrative arrangements for implementing the Agreement.”

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

Pursuant to Rule 40.2 of the Rules of Procedure of the Governing Council, an election was held by Members in Category III to fill the vacancies created by the expiry of the terms of office of one member and one alternate member of the Executive Board from Asia, and one member and one alternate member of the Executive Board from Latin America. Accordingly, the Council declared as elected to the Executive Board for terms of office of three years the following Member States.

ASIA

Member
Thailand

Alternate
Turkey

Member
Jamaica

Alternate
Panama

G. CO-OPERATION WITH OTHER INTERNATIONAL ORGANIZATIONS

In accordance with Article 8, Section 2 of its Establishing Agreement, IFAD seeks collaboration in its activities with other United Nations organizations, intergovernmental organizations, international financial institutions, non-governmental organizations and governmental agencies concerned with agricultural development. To carry out this collaboration the Fund is empowered to sign co-operation agreements. These agreements assume special importance in co-operation activities involving the identification, preparation and appraisal of projects, since Article 7, Section 2 of the Agreement Establishing IFAD makes it mandatory for IFAD to entrust the administration of its loans, for the purposes of the disbursement of the proceeds of the loans and supervision of the implementation of the projects, to competent international institutions.

During 1981, IFAD signed co-operation agreements with the Arab Organization for Agricultural Development and the United Nations Centre for Human Settlements. Action was also initiated in 1981 to establish co-operation with the Andean Development Corporation, the Central American Bank for Economic Integration, the United Nations Industrial Development Organization, the Organization of African Unity, the Commonwealth Secretariat, the West African Development Bank and the United Nations Fund for Population Activities. The agreements concluded in 1981 were in addition to those concluded in the previous years with the following agencies: the United Nations Food and Agriculture Organization; the World Bank; the United Nations Development Programme; the African Development Bank; the Asian Development Bank; the Inter-American Development Bank; the International Labour Organization; the Islamic Development Bank; the World Health Organization; the World Meteorological Organization; the Arab Fund for Economic and Social Development; and the Caribbean Development Bank.

11. INTERNATIONAL ATOMIC ENERGY AGENCY

SAFEGUARDS AND NUCLEAR NON-PROLIFERATION

Safeguards agreements were concluded during 1981 with Argentina, Egypt, Spain, Turkey and Viet Nam.

The nuclear non-proliferation régime was strengthened in 1981 by the accession of Egypt to the Treaty on the Non-Proliferation of Nuclear Weapons (NPT). In addition, Antigua and Barbuda became a Party to the Treaty. The total number of NPT Parties, including nuclear-weapon States, rose to 116. The total number of States which had NPT safeguards agreements in force with the Agency, at the end of 1981, was 66.

REGIONAL CO-OPERATION

In March 1981 the Government of Viet Nam notified the Director General of its acceptance of the Regional Co-operative Agreement for Research, Development and Training Related to Nuclear Science and Technology (the RCA).²⁴⁵ By the end of 1981, RCA was in force for the Agency and the following 13 member States: Australia, Bangladesh, India, Indonesia, Japan, the Republic of Korea, Malaysia, Pakistan, the Philippines, Singapore, Sri Lanka, Thailand and Viet Nam.

In June 1981 the Government of India notified the Director General of its acceptance of the Agreement of 23 May 1980 Establishing the Asian Regional Co-operative Project on Food Irradiation²⁴⁶ within the framework of RCA. By the end of 1981, the Agreement was in force for the Agency and the following ten member States: Bangladesh, India, Indonesia, Japan, the Republic of Korea, Malaysia, Pakistan, the Philippines, Sri Lanka and Thailand.

ADVISORY SERVICES IN NUCLEAR LAW

Advice on the framing of legislation on radiation protection, nuclear safety and third-party liability for nuclear damage was provided to Chile and Ghana at the request of the national authorities concerned, in May and June 1981 respectively.

PHYSICAL PROTECTION OF NUCLEAR MATERIAL

By the end of 1981, 33 States and the European Atomic Energy Community had signed the Convention on the Physical Protection of Nuclear Material²⁴⁷ and three States had ratified it. The Convention, which was opened for signature on 3 March 1980, will enter into force on the thirtieth day after the deposit with the Director General of the Agency of the twenty-first instrument of ratification.

INTERNATIONAL SPENT FUEL MANAGEMENT

The Expert Group on International Spent Fuel Management, established in 1979, continued its examination of the potential for international co-operation in the management of spent fuel. Three meetings of the Expert Group and its sub-groups were held in 1981. Work on technical and economic aspects was completed and a summary report drafted. Also, good progress was made in the study of institutional issues.

INTERNATIONAL PLUTONIUM STORAGE

The Expert Group on International Plutonium Storage, first convened in 1978, and its technical sub-groups held six meetings during 1981 and made further progress in examining the technical, operational and legal aspects of implementing Article XII.A.5 of the Agency's Statute as an extension of the safeguards system.

HOST COUNTRY ARRANGEMENTS

Agreements regarding occupancy of the Agency's seat at the Vienna International Centre were signed in January 1981 by the Agency, the Austrian Government and the United Nations. They entered into force on 1 October 1981, except for the agreement establishing a common fund for financing major repairs and replacements, which entered into force retroactively on 1 January 1981.

Negotiations between the Agency and the Austrian Government on a draft agreement for inclusion of the Agency's laboratories at Seibersdorf in the Headquarters of the Agency were concluded late in 1981.

The Agreement of 1975 with the Principality of Monaco regarding the International Laboratory of Marine Radioactivity²⁴⁸ was extended through exchanges of letters of 5 February and 1 June 1981 between the Agency, the Monaguesque Government and the Oceanographic Institute at Monaco until 30 June 1984, subject to termination upon nine months' notice.

COMMITTEE ON ASSURANCES OF SUPPLY

The Committee on Assurances of Supply (CAS), established by the Board of Governors in June 1980, held three sessions in 1981, with some 50 countries participating as members and four international organizations attending as observers. On 17 September 1981, the Board of Governors adopted a resolution prohibiting South Africa from participation in the meetings of CAS.

In November 1981, CAS established two working groups — one on "Principles of international co-operation in the field of nuclear energy in accordance with the mandate of the Committee on Assurances of Supply" and one on "Emergency and back-up mechanisms".

ISRAELI ATTACK ON IRAQI REACTOR

The Israeli attack of 7 June 1981 on the Tamuz research reactor at the Iraqi nuclear research centre, near Baghdad, was discussed by the Board of Governors and reported to the United Nations Security Council, which, in its resolution 487 of 19 June, strongly condemned the attack and called

upon Israel urgently to place its nuclear facilities under Agency safeguards. It was subsequently debated in the Agency's General Conference and the United Nations General Assembly. In its Resolution GC (XXV) RES/381, the General Conference decided — *inter alia* — to "suspend immediately the provision of any assistance to Israel under the Agency's technical assistance programme"; action to implement this part of the resolution was duly taken. The Conference also decided to consider at its twenty-sixth regular session in 1982 the suspension of Israel from the exercise of the privileges and rights of Agency membership if by that time it had not complied with the provisions of Security Council resolution 487.

NOTES

¹ This summary has been prepared on the basis of *The United Nations Disarmament Yearbook*, vol. 6: 1981 (United Nations publication, Sales No. E.82.IX.7).

² *Official Records of the General Assembly, Thirty-sixth session, Supplement No. 42 (A/36/42)* and A/CN.10/PV.43-54, A/CN.10/PV.54/Add.1, A/CN.10/PV.41-54/Corrigendum and A/CN.10/32.

³ A/CN.10/4.

⁴ *Official Records of the Security Council, Thirty-fourth Year, Supplements for January, February and March 1979*, document S/13157.

⁵ See *Official Records of the General Assembly, Thirty-sixth session, Supplement No. 42 (A/36/42)*, para. 19.

⁶ *Ibid.*, *Tenth special session, Supplement No. 4 (A/S-10/4)*, sect. III.

⁷ The 40 States represented in the Committee in 1981 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.

⁸ *Official Records of the General Assembly, Thirty-sixth session, Supplement No. 27 (A/36/27)*, paras. 6-10.

⁹ *Ibid.*, *Supplement No. 27 (A/36/27)*, appendix III (CD/228), vols. I-VII.

¹⁰ *Ibid.*, *Thirty-sixth session, Plenary Meetings*, 5th to 33rd and 91st meetings; *ibid.*, *Thirty-sixth Session, First Committee*, 3rd to 44th meetings; and *ibid.*, *First Committee, Sessional Fascicle*, corrigendum.

¹¹ *Ibid.*, *Thirty-sixth session, First Committee*, 28th to 44th meetings.

¹² Resolution 36/97 E was adopted by 84 votes to 18 (France, United Kingdom, United States and other Western countries), with 42 abstentions. China did not participate in the vote.

¹³ Resolution 36/97 G was adopted by a recorded vote of 125 to 14 (Eastern European and other States), with 6 abstentions.

¹⁴ Resolution 36/97 K was adopted by a recorded vote of 132 to none, with 11 abstentions.

¹⁵ Resolution 36/92 K was adopted by a recorded vote of 68 to 14, with 57 abstentions.

¹⁶ *Official Records of the General Assembly, Thirty-sixth session, Supplement No. 49 (A/36/49 and Corr.1)*.

¹⁷ *Official Records of the General Assembly, Thirty-sixth session, Supplement No. 27 (A/36/27)*, paras. 7, 10 and 121-127.

¹⁸ *Ibid.*, para. 127, annex; the Group's report was originally submitted to the Committee in document CD/217 and Corr.1.

¹⁹ *Ibid.*, *Thirty-sixth session, Plenary Meetings*, 5th to 33rd and 91st meetings; *ibid.*, *First Committee*, 3rd to 44th meetings; and *ibid.*, *First Committee, Sessional Fascicle*, corrigendum.

²⁰ *Ibid.*, *Thirty-sixth session, Supplement No. 28 (A/36/28)*.

²¹ *Ibid.*, *Thirty-sixth session, Plenary Meetings*, 4th to 33rd and 91st meetings; *ibid.*, *First Committee*, 3rd to 44th meetings; and *ibid.*, *First Committee, Sessional Fascicle*, corrigendum.

²² Resolution 36/91 was adopted without a vote.

²³ See resolutions 36/97 E, G, I and K.

²⁴ Resolution 36/92 I was adopted by a recorded vote of 121 to 19 (France, United Kingdom, United States and other Western countries), with 6 abstentions.

²⁵ Resolution 36/84 was adopted by a recorded vote of 118 to 2 (United Kingdom and United States), with 23 abstentions.

²⁶ Resolution 36/85 was adopted by 140 votes to none, with 5 abstentions.

²⁷ *Official Records of the General Assembly, Thirty-sixth session, Supplement No. 27 (A/36/27)*, paras. 95-101.

²⁸ Resolution 36/94, adopted by a recorded vote of 115 to 17 (mainly Western States), with 12 abstentions, and resolution 36/95, adopted by a recorded vote of 145 to none, with 3 abstentions (India, United Kingdom and United States).

²⁹ Resolution 36/86 A was adopted by a recorded vote of 129 to 4 (France, Israel, United Kingdom and United States), with 10 abstentions.

³⁰ Resolution 36/88, adopted by a recorded vote of 93 to 3 (Bhutan, India and Mauritius), with 44 abstentions.

³¹ The members of the Preparatory Committee as appointed by the President of the General Assembly: Algeria, Argentina, Australia, Austria, Belgium, Brazil, Bulgaria, Byelorussian SSR, Canada, Chile, China, Colombia, Costa Rica, Cuba, Czechoslovakia, Denmark, Ecuador, Egypt, Finland, France, German Democratic Republic, Germany, Federal Republic of, Ghana, Greece, Guatemala, Hungary, India, Indonesia, Iraq, Italy, Japan, Libyan Arab Jamahiriya, Malaysia, Mauritania, Mexico, Morocco, Netherlands, Norway, Pakistan, Philippines, Peru, Poland, Romania, Spain, Sri Lanka, Sweden, Syrian Arab Republic, Thailand, Turkey, Ukrainian SSR, USSR, United Arab Emirates, United Kingdom, United States, Uruguay, Venezuela, Yugoslavia and Zaire.

³² *Official Records of the General Assembly, Thirty-sixth session, Supplement No. 27 (A/36/27)*, para. 110; the report was originally distributed as document CD/220.

³³ Resolution 36/96 A, adopted by the General Assembly by a recorded vote of 147 to none, with 1 abstention (United States).

³⁴ Resolution 36/96 B, adopted by a recorded vote of 109 to 1 (United States), with 33 abstentions (mainly Western States).

³⁵ *Official Records of the General Assembly, Thirty-sixth Session, Supplement No. 27 (A/36/27)*, paras. 111-112 and 118-120.

³⁶ *Ibid.*, *Thirty-sixth Session, Plenary Meetings*, 5th to 33rd and 91st meetings; *ibid.*, *Thirty-sixth Session, First Committee*, 3rd to 40th meetings; and *ibid.*, *First Committee, Sessional Fascicle*, corrigendum.

³⁷ *Official Records of the General Assembly, Thirty-sixth Session, Supplement No. 27 (A/36/27)*, paras. 111-120.

³⁸ *Ibid.*, *Thirty-fourth Session, Supplement No. 27 (A/34/27 and Corr. 1)*, appendix III (CD/53 and Corr. 1), vol. II, documents CD/31 and CD/32.

³⁹ *Ibid.*, *Thirty-sixth Session, Plenary Meetings*, 8th to 19th and 91st meetings; *ibid.*, *Thirty-sixth Session, First Committee*, 3rd to 40th meetings; and *ibid.*, *First Committee, Sessional Fascicle*, corrigendum.

⁴⁰ Resolution 36/97 B, adopted without a vote.

⁴¹ See *Official Records of the General Assembly, Tenth Special Session, Supplement No. 4 (A/S-10/4)*, sect. III, para. 80.

⁴² Subsequent resolutions on the subject were 34/67 of 5 December 1979, 35/15 of 3 November 1980, and that of 1981 mentioned in the text.

⁴³ See *Official Records of the General Assembly, Thirty-sixth Session, Plenary Meetings*, 5th to 33rd and 91st meetings; and *ibid.*, *First Committee, Sessional Fascicle*, corrigendum.

⁴⁴ Resolution 36/99, adopted by a recorded vote of 123 to none, with 21 abstentions (Western States and Australia, Israel, Japan, New Zealand and Tunisia).

⁴⁵ Resolution 36/97 C, adopted by a recorded vote of 129 to none, with 13 abstentions (Eastern European States (except Romania) and Afghanistan, Cuba, Lao People's Democratic Republic and Viet Nam).

⁴⁶ See the report of the First Committee to the thirty-sixth session of the General Assembly on agenda item 57 (A/36/760).

⁴⁷ Resolution 2734 (XXV). Also reproduced in the *Juridical Yearbook*, 1970, p. 62.

⁴⁸ See the report of the First Committee to the thirty-sixth session of the General Assembly on agenda item 58 (A/36/761 and Corr. 1).

⁴⁹ *Ibid.*

⁵⁰ Resolution 33/73. Also reproduced in the *Juridical Yearbook*, 1978, pp. 65-66.

⁵¹ See the report of the First Committee to the thirty-sixth session of the General Assembly on agenda item 58 (A/36/761 and Corr. 1).

⁵² For the report of the Legal Sub-Committee, see document A/AC.105/288.

⁵³ See document A/AC.105/271, annex II, appendix, Principles I-XVII.

⁵⁴ *Colombo* (WG/RS(1981)/WP.1) and *Mexico* (WG/RS(1981)/WP.2).

⁵⁵ *Canada* (A/AC.105/C.2/L.129), *Venezuela* (WG/NPS(1981)/WP.1) and *Italy* (WG/NPS(1981)/WP.2).

⁵⁶ For the report of the Committee see *Official Records of the General Assembly, Thirty-sixth Session, Supplement No. 20 (A/36/20)*.

⁵⁷ See the report of the Special Political Committee to the thirty-sixth session of the General Assembly on agenda items 61 and 62 (A/36/657 and Corr. 1).

⁵⁸ *Ibid.*

- ⁵⁹ For detailed information, see *Official Records of the General Assembly, Thirty-sixth Session, Supplement No. 25 (A/36/25 and Corr.1)*.
- ⁶⁰ See UNEP/GC.9/2.
- ⁶¹ See UNEP/GC.9/3.
- ⁶² See *Official Records of the General Assembly, Thirty-sixth Session, Supplement No. 25 (A/36/25 and Corr.1)*, paras. 108-109.
- ⁶³ See *Juridical Yearbook*, 1980, chapter III, Section A 3 (c). General Assembly resolution 35/74 of 5 December 1980 and Governing Council decision 8/15 of 29 April 1980, *Official Records of the General Assembly, Thirty-fifth Session, Supplement No. 25 (A/35/25, Annex I)*.
- ⁶⁴ *Official Records of the General Assembly, Thirty-sixth Session, Supplement No. 25 (A/36/25 and Corr.1)*, paras. 320-329.
- ⁶⁵ See UNEP/GC.9/5/Add.5, annex III.
- ⁶⁶ UNEP/GC.9/5/Add.1.
- ⁶⁷ UNEP/GC/INFORMATION/5/Supplement 4.
- ⁶⁸ Cf. report of the Second Committee to the thirty-sixth session of the General Assembly on agenda item 69 (A/36/694/Add.9).
- ⁶⁹ *Official Records of the General Assembly, Thirty-sixth Session, Supplement No. 25 (A/36/25 and Corr.1)*.
- ⁷⁰ *Ibid.*, annex.
- ⁷¹ A/36/142.
- ⁷² For detailed information, see *Official Records of the General Assembly, Thirty-sixth Session, Supplement No. 12 and Addendum 1 (A/36/12 and Add.1)*.
- ⁷³ See Article 12, para. 3.
- ⁷⁴ See Article 9.
- ⁷⁵ Recommendation No. R (81) 16 adopted by the Committee of Ministers on 5 November 1981.
- ⁷⁶ *Official Records of the General Assembly, Thirty-second session, Supplement No. 12 (A/32/12/Add.1)*, para. 53 (6) (a-g).
- ⁷⁷ See *Juridical Yearbook*, 1980, chapter III, Section A 3 (d).
- ⁷⁸ See United Nations, *Treaty Series*, vol. 189, p. 137.
- ⁷⁹ See United Nations, *Treaty Series*, vol. 606, p. 267.
- ⁸⁰ See Report of the Third Committee to the thirty-sixth session of the General Assembly on agenda item 83 (A/36/725).
- ⁸¹ *Official Records of the General Assembly, Thirty-sixth Session, Supplement No. 12A (A/36/12/Add.1)*, para. 57 (2).
- ⁸² See Report of the Third Committee to the thirty-sixth session of the General Assembly on agenda item 83 (A/36/725).
- ⁸³ See *Juridical Yearbook*, 1980, Chapter III, Section A 3 (d).
- ⁸⁴ See A/36/316.
- ⁸⁵ United Nations publication, Sales No. E.78.XI.3, p. 7.
- ⁸⁶ E/CONF.63/9.
- ⁸⁷ United Nations publication, Sales No. E.77.XI.3, p. 13.
- ⁸⁸ See A/36/193.
- ⁸⁹ General Assembly resolutions 32/124 of 16 December 1977, 33/168 of 20 December 1978, 34/177 of 17 December 1979 and 35/195 of 15 December 1980.
- ⁹⁰ See Report of the Third Committee to the thirty-sixth session of the General Assembly on agenda item 12 (A/36/792).
- ⁹¹ See Report of the Third Committee on the thirty-sixth session of the General Assembly on agenda item 129 (A/36/785).
- ⁹² For a short background on this question, see *Juridical Yearbook*, 1979, Chapter III, Section A 3 (e) (2).
- ⁹³ General Assembly resolution 35/179 of 15 December 1980.
- ⁹⁴ Report of the Sixth Committee to the thirty-sixth session of the General Assembly on agenda item 91 (A/36/685).
- ⁹⁵ See A/35/372 and Add.1 and 2; A/36/140 and Add.1-4.
- ⁹⁶ See General Assembly resolution 35/171 of 15 December 1980 and the Annex thereto.
- ⁹⁷ See Report of the Third Committee to the thirty-sixth session of the General Assembly on agenda item 90 (A/36/645).
- ⁹⁸ See General Assembly resolution 2200 (XXI). Also reproduced in the *Juridical Yearbook*, 1966, p. 170 *et seq.*
- ⁹⁹ See the report of the Third Committee to the thirty-sixth session of the General Assembly on agenda item 87 (A/36/663).

- ¹⁰⁰ *Official Records of the General Assembly, Thirty-sixth Session, Supplement No. 40 (A/36/40)*.
- ¹⁰¹ See General Assembly resolution 2106 A (XX). Also reproduced in the *Juridical Yearbook*, 1965, p. 65.
- ¹⁰² See Report of the Third Committee to the thirty-sixth session of the General Assembly on agenda item 82 (A/36/623).
- ¹⁰³ General Assembly resolution 3068 (XXVIII), Annex. Also reproduced in the *Juridical Yearbook*, 1973, p. 70.
- ¹⁰⁴ See Report of the Third Committee to the thirty-sixth session of the General Assembly on agenda item 82 (A/36/623).
- ¹⁰⁵ For the text of the Convention see General Assembly resolution 34/180 of 18 December 1979 and *Juridical Yearbook*, 1979, Chapter IV, Section A.
- ¹⁰⁶ See Report of the Third Committee to the thirty-sixth Session of the General Assembly on agenda item 89 (A/36/724 and Corr.1).
- ¹⁰⁷ See Report of the Third Committee to the thirty-sixth session of the General Assembly on agenda item 88 (A/36/789 and Corr.1).
- ¹⁰⁸ For background information on this question see *Juridical Yearbook*, 1980, chapter III, Section A 3 (g) (2).
- ¹⁰⁹ See Report of the Third Committee to the thirty-sixth session of the General Assembly on agenda item 91 (A/36/685).
- ¹¹⁰ See General Assembly resolution 2393 (XXIII) of 26 November 1968.
- ¹¹¹ See General Assembly resolution 35/172 of 15 December 1980.
- ¹¹² See Report of the Third Committee to the thirty-sixth session of the General Assembly on agenda item 90 (A/36/645).
- ¹¹³ See General Assembly decision 35/437 of 15 December 1980.
- ¹¹⁴ See Report of the Third Committee to the thirty-sixth session of the General Assembly on agenda item 87 (A/36/663).
- ¹¹⁵ *Official Records of the General Assembly, Thirty-fifth session, Annexes*, agenda item 65, document A/35/742, para. 20.
- ¹¹⁶ See General Assembly resolution 3027 (XXVII) of 18 December 1972.
- ¹¹⁷ See General Assembly resolution 3267 (XXIX) of 10 December 1974.
- ¹¹⁸ See Commission on Human Rights resolution 35 (XXXVI) of 12 March 1980, *Official Records of the Economic and Social Council, 1980, Supplement No. 3 (E/1980/13 and Corr.1)*, chap. XXVI, Sect. A.
- ¹¹⁹ See Report of the Third Committee to the thirty-sixth session of the General Assembly on agenda item 75 (A/36/684).
- ¹²⁰ General Assembly resolution 217 A (III).
- ¹²¹ General Assembly resolution 2200 A (XXI), annex.
- ¹²² See Report of the Third Committee to the thirty-sixth session of the General Assembly on agenda item 79 (A/36/731).
- ¹²³ See *Official Records of the Economic and Social Council, 1981, Supplement No. 5 (E/1981/25)*.
- ¹²⁴ See Report of the Third Committee to the thirty-sixth session of the General Assembly, on agenda item 138 (A/36/786).
- ¹²⁵ For background information on this question see *Juridical Yearbook*, 1980, chapter III, section A 3 (g) (5), as well as General Assembly resolutions 34/171 of 17 December 1979 and 35/191 of 15 December 1980.
- ¹²⁶ See Report of the Third Committee to the thirty-sixth session of the General Assembly on agenda item 12 (A/36/792).
- ¹²⁷ For background information on this question see *Juridical Yearbook*, 1979, chapter III, Section A 3 (f) (4), and 1980, chapter III, section A 3 (g) (3).
- ¹²⁸ See Report of the Third Committee to the thirty-sixth session of the General Assembly on agenda item 12 (A/36/792).
- ¹²⁹ See E/CN.4/1336.
- ¹³⁰ See E/CN.4/1354 and Add.1-6.
- ¹³¹ See *Juridical Yearbook*, 1980, Chapter III, Section A 3 (g) (7).
- ¹³² See Report of the Third Committee to the thirty-sixth session of the General Assembly on agenda item 12 (A/36/792).
- ¹³³ See A/C.3/36/11.
- ¹³⁴ See General Assembly resolutions 34/4 of 18 October 1979 and 35/131 of 11 December 1980 as well as *Juridical Yearbook*, 1980, Chapter III, Section A 3 (g) (8).
- ¹³⁵ See Report of the Third Committee to the thirty-sixth session of the General Assembly on agenda item 86 (A/36/662).

- ¹³⁶ See Economic and Social Council resolution 1979/28.
- ¹³⁷ See Report of the Third Committee to the thirty-sixth session of the General Assembly on agenda item 12 (A/36/792).
- ¹³⁸ See A/35/336 and Add.1.
- ¹³⁹ General Assembly decision 35/452, 11 May 1981.
- ¹⁴⁰ For the composition of the Court, see *Official Records of the General Assembly, Thirty-third Session, Supplement No. 45*, sect. X, p. 229.
- ¹⁴¹ As of 31 December 1981, 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 47.
- ¹⁴² For detailed information, see *I.C.J. Reports 1979*, *I.C.J. Reports 1980*, *I.C.J. Reports 1981*, *I.C.J. Yearbook 1979-1980*, No. 34, and *I.C.J. Yearbook 1980-1981*, No. 35. The full text of the Judgment was also reproduced in document S/13989.
- ¹⁴³ *I.C.J. Reports 1980*, p. 3.
- ¹⁴⁴ *Ibid.*, p. 45.
- ¹⁴⁵ *I.C.J. Reports 1981*, p. 45.
- ¹⁴⁶ For detailed information, see *I.C.J. Reports 1979*, *I.C.J. Reports 1980*, *I.C.J. Reports 1981*, *I.C.J. Yearbook 1978-1979*, No. 33, *I.C.J. Yearbook 1979-1980*, No. 34, *I.C.J. Yearbook 1980-1981*, No. 35, and *I.C.J. Yearbook 1981-1982*, No. 36.
- ¹⁴⁷ *I.C.J. Reports 1981*, p. 3.
- ¹⁴⁸ The above summary is taken from the *I.C.J. Yearbook 1980-1981*, No. 35, p. 122 *et seq.*
- ¹⁴⁹ *I.C.J. Reports 1981*, pp. 22, 23-34 and 35-40.
- ¹⁵⁰ *I.C.J. Reports 1981*, p. 42.
- ¹⁵¹ For detailed information, see *I.C.J. Yearbook 1981-1982*, No. 36.
- ¹⁵² See document AT/DEC/273.
- ¹⁵³ *I.C.J. Reports 1981*, p. 49.
- ¹⁵⁴ *Ibid.*, p. 52.
- ¹⁵⁵ For detailed information, see *I.C.J. Yearbook 1981-1982*, No. 36.
- ¹⁵⁶ For the membership of the Commission, see *Official Records of the General Assembly, Thirty-sixth Session, Supplement No. 10* (A/36/10), chapter I.
- ¹⁵⁷ For detailed information, see *Yearbook of the International Law Commission*, 1981, vol. I and vol. II (Parts One and Two) (United Nations publication, Sales No. E.82.V.3 and E.82.V.4 (Parts I and II)).
- ¹⁵⁸ A/CN.4/340 and Corr.1 and Add.1 and Add.1/Corr.1.
- ¹⁵⁹ A/CN.4/347 and Corr.1 (English only) and 2 and Add.1-2.
- ¹⁶⁰ *Official Records of the General Assembly, Thirty-sixth Session, Supplement No. 10* (A/36/10).
- ¹⁶¹ See the report of the Sixth Committee to the thirty-sixth session of the General Assembly on agenda item 121 (A/36/800).
- ¹⁶² For the membership of the Commission, see *Official Records of the General Assembly, Thirty-sixth Session, Supplement No. 17* (A/36/17).
- ¹⁶³ For detailed information, see *Yearbook of the United Nations Commission on International Trade Law*, vol. XII, 1981 (United Nations publication, Sales No. E.82.V.6).
- ¹⁶⁴ *Official Records of the General Assembly, Thirty-sixth Session, Supplement No. 17* (A/36/17).
- ¹⁶⁵ See the report of the Sixth Committee to the thirty-sixth session of the General Assembly on agenda item 117 (A/36/669).
- ¹⁶⁶ For the report of the Special Committee, see *Official Records of the General Assembly, Thirty-sixth Session, Supplement No. 41* (A/36/41).
- ¹⁶⁷ *Ibid.*, *Thirty-fifth Session, Supplement No. 41* (A/35/41), para. 172.
- ¹⁶⁸ See the report of the Sixth Committee to the thirty-sixth session of the General Assembly on agenda item 116 (A/36/649).
- ¹⁶⁹ See the report of the Sixth Committee to the thirty-sixth session of the General Assembly on agenda item 124 (A/36/667).
- ¹⁷⁰ A/36/445 and Corr.1 and Add.1-3.
- ¹⁷¹ For the report of the *Ad Hoc* Committee, see *Official Records of the General Assembly, Thirty-sixth Session, Supplement No. 43* (A/36/43).
- ¹⁷² See the report of the Sixth Committee to the thirty-sixth session of the General Assembly on agenda item 115 (A/36/727).
- ¹⁷³ See the report of the Sixth Committee to the thirty-sixth session of the General Assembly on agenda item 111 (A/36/774).
- ¹⁷⁴ A/36/416.
- ¹⁷⁵ See the report of the Sixth Committee to the thirty-sixth session of the General Assembly on agenda item 112 (A/36/775).

- ¹⁷⁶ A/36/143 and Add.1 and 2.
- ¹⁷⁷ A/36/143, sect. II.
- ¹⁷⁸ See the report of the Sixth Committee to the thirty-sixth session of the General Assembly on agenda item 114 (A/36/77 and Corr.1).
- ¹⁷⁹ *Official Records of the General Assembly, Thirty-fourth Session, Supplement No. 37* (A/34/37), para. 118.
- ¹⁸⁰ *Official Records of the General Assembly, Thirty-sixth Session, Supplement No. 33* (A/36/33).
- ¹⁸¹ See the report of the Sixth Committee to the thirty-sixth session of the General Assembly on agenda item 112 (A/36/782).
- ¹⁸² *Ibid.*, *Thirty-fifth Session, Supplement No. 33* (A/35/33 and Corr.1), sect. II.A.
- ¹⁸³ *Ibid.*
- ¹⁸⁴ A/C.6/36/2.
- ¹⁸⁵ See subsection (g) above.
- ¹⁸⁶ See the report of the Sixth Committee to the thirty-sixth session of the General Assembly on agenda item 118 (A/36/778).
- ¹⁸⁷ See the report of the Sixth Committee to the thirty-sixth session of the General Assembly on agenda item 119 (A/36/779).
- ¹⁸⁸ *Official Records of the General Assembly, Thirty-third Session, Supplement No. 10* (A/33/10).
- ¹⁸⁹ See the report of the Sixth Committee to the thirty-sixth session of the General Assembly on agenda item 120 (A/36/780).
- ¹⁹⁰ A/35/312 and Corr.1.
- ¹⁹¹ A/36/553.
- ¹⁹² A/36/553/Add.1 and 2.
- ¹⁹³ ST/LEG/6.
- ¹⁹⁴ ST/LEG/7.
- ¹⁹⁵ See the report of the Sixth Committee to the thirty-sixth session of the General Assembly on agenda item 121 (A/36/781).
- ¹⁹⁶ *Official Records of the General Assembly, Thirty-sixth Session, Supplement No. 10* (A/36/10).
- ¹⁹⁷ A/34/146, annex.
- ¹⁹⁸ See the report of the Sixth Committee to the thirty-sixth session of the General Assembly on agenda item 125 (A/36/784).
- ¹⁹⁹ *Ibid.*; see also A/C.3/35/14 and A/C.6/36/L.16.
- ²⁰⁰ In the course of its thirty-sixth session, the General Assembly also considered the report of the Committee on Relations with the Host Country (*Official Records of the General Assembly, Thirty-sixth Session, Supplement No. 26* (A/36/26), in connexion with which it adopted resolution 36/115, and the item entitled "United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law" (for the report of the Secretary-General on this question, see document A/36/633), in connexion with which it adopted resolution 36/108. It also considered the question of 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/36/715), in connexion with which it adopted decision 36/425.
- ²⁰¹ For detailed information, see *Official Records of the General Assembly, Thirty-sixth Session, Supplement No. 14* (A/36/14 and corrigendum) and *ibid.*, *Thirty-seventh Session, Supplement No. 14* (A/37/14).
- ²⁰² With regard to the adoption of instruments, information on the preparatory work, which, by virtue of the double-discussion procedure, normally covers a period of two years, is given, in order to facilitate reference work, in the year during which the instrument was adopted.
- ²⁰³ *Official Bulletin*, Vol. LXIV, 1981, Series A, No. 2, pp. 107-111; pp. 123-125; English, French, Spanish. Regarding preparatory work see: *First Discussion — Promotion of Collective Bargaining*, ILC, 66th Session (1980), Report V(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 V(2), 74 and 94 pages respectively; English, French, German, Russian, Spanish. See also 66th Session (1980), *Record of Proceedings*, No. 41; No. 44, pp. 9-13; English, French, Spanish. *Second Discussion — Promotion of Collective Bargaining*, ILC, 67th Session (1981), Report IV(1) and Report IV(2), 45 and 41 pages respectively; English, French, German, Russian, Spanish. See also ILC, 67th Session (1981), *Record of Proceedings*, No. 22; No. 27, pp. 3-10; No. 30, pp. 9-18; English, French, Spanish.
- ²⁰⁴ *Official Bulletin*, Vol. LXIV, 1981, Series A, No. 2, pp. 111-118; pp. 125-131; English, French, Spanish. Regarding preparatory work see: *First Discussion — Safety and Health and the Working Environment*, ILC, 66th Session (1980), Report VII(a) (1) (this report contains, *inter alia*, details of the action which led to the placing of the question on the agenda of the Conference), and Report VII(a) (2), 84 and 100 pages respectively; English, French, German, Russian, Spanish. See also 66th Session (1980), *Record of Proceedings*, No. 35; No. 42, pp. 1-5; No. 43, p. 8; pp. 14-16; English, French, Spanish. *Second Discussion — Safety and*

Health and the Working Environment, ILC, 67th Session (1981), Report VI(1) and Report VI(2), 68 and 79 pages respectively; English, French, German, Russian, Spanish. See also ILC, 67th Session (1981), *Record of Proceedings*, No. 25; No. 30, pp. 1-7; No. 39, p. 4, pp. 9-14; English, French, Spanish.

²⁰⁵ *Official Bulletin*, Vol. LXIV, 1981, Series A, No. 2, pp. 118-123; pp. 132-138; English, French, Spanish. Regarding preparatory work see: *First Discussion* — Equal Opportunities and Equal Treatment for Men and Women Workers: Workers with Family Responsibilities, ILC, 66th Session (1980), 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), 69 and 126 pages respectively; English, French, German, Russian, Spanish. See also 66th Session (1980), *Record of Proceedings*, No. 32; No. 38, pp. 1-5; English, French, Spanish. *Second Discussion* — Equal Opportunities and Equal Treatment for Men and Women Workers: Workers with Family Responsibilities, ILC, 67th Session (1981), Report V(1) and Report V(2), 84 and 88 pages respectively; English, French, German, Russian, Spanish. See also ILC, 67th Session (1981), *Record of Proceedings*, No. 28; No. 35, pp. 2-9, No. 39, pp. 1-3, pp. 5-8, pp. 15-16; No. 40, p. 1, pp. 10-16; English, French, Spanish.

²⁰⁶ *Official Bulletin*, Vol. LXIV, 1981, Series A, No. 2, p. 150. See also ILC, 67th Session (1981), *Record of Proceedings* No. 15, pp. 3-4.

²⁰⁷ This report has been published as Report III (Part 4) to the 67th Session of the Conference and comprises two volumes: Vol. A: "General Report and Observations concerning Particular Countries" (Report III (Part 4A)), 244 pages; English, French, Spanish. Vol. B: "General Survey of the Reports relating to Convention No. 138 and Recommendation No. 146 concerning Minimum Age" (Report III (Part 4B)), 209 pages; English, French, Spanish.

²⁰⁸ *Official Bulletin*, Vol. LXIV, 1981, Series B, No. 1.

²⁰⁹ *Ibid.*, Vol. LXIV, 1981, Series B, No. 2.

²¹⁰ *Ibid.*, Vol. LXIV, 1981, Series B, No. 3.

²¹¹ For general information on the organization and functions of the Office of the Legal Counsel, see *Juridical Yearbook*, 1972, p. 60.

²¹² CL 79/5.

²¹³ CL 80/5.

²¹⁴ C 81/REP paras. 335-337.

²¹⁵ CL 80/6.

²¹⁶ C 81/REP paras. 332-333.

²¹⁷ C 81/REP para. 319.

²¹⁸ CL 79/REP paras. 206-207.

²¹⁹ C 81/REP paras. 354-356.

²²⁰ CL 80/REP paras. 97-99.

²²¹ C 81/REP paras. 221-223.

²²² C 81/REP paras. 233-235.

²²³ For general information on the organization and functions of the Legislation Branch, see *Juridical Yearbook*, 1972, p. 62, note 59.

²²⁴ See the Bibliography, p. 173.

²²⁵ See Articles II and XV of the Constitution.

²²⁶ See Resolutions 21 C/I.01(L).

²²⁷ See document ED-81/WS/88.

²²⁸ Document IGC(1971)/IV/20 (Report of the Committee).

²²⁹ Document ILO/UNESCO/WIPO/ICR.8/7 (Report of the Committee).

²³⁰ Document UNESCO/WIPO/WG.II/FOLK/4 (Report of the Working Group).

²³¹ Document UNESCO/WIPO/IGE/CTV/II/6 (Note established by the Secretariats).

²³² Document UNESCO/WIPO/CCC/I/6.

²³³ Reproduced in the *Juridical Yearbook*, 1966, p. 196.

²³⁴ Document EB67/1981/REC/1, Annex 13.

²³⁵ Resolution WHA34.28. Document WHA34/1981/REC/1, p. 29.

²³⁶ Resolution WHA33.16. Document WHA33/1980/REC/1, pp. 13-14.

²³⁷ Resolution WHA34.11, note 235 above, p. 9.

²³⁸ Resolution WHA34.22, *ibid.*, pp. 21-23.

²³⁹ See *Juridical Yearbook*, 1969, p. 174.

²⁴⁰ See *Juridical Yearbook*, 1972, p. 103.

²⁴¹ Resolution MSC.1(XLV).

²⁴² Resolution A.464(XII).

²⁴³ See IFAD Annual Report 1981, p. 16.

²⁴⁴ The replenishment became effective on 18 June 1982 and the loans approved subject to availability of funds were signed during the months of July and August.

²⁴⁵ Reproduced in document INFCIRC/167. The RCA Extension Agreement is reproduced in document INFCIRC/167/Add.8.

²⁴⁶ Reproduced in document INFCIRC/285.

²⁴⁷ Reproduced in document INFCIRC/274/Rev.1.

²⁴⁸ Reproduced in document INFCIRC/129/Rev.1.