

Extract from:

UNITED NATIONS JURIDICAL YEARBOOK

1987

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 MATTERS

(a) Comprehensive approaches to disarmament

(i) *United Nations disarmament bodies and their activities*

In 1987, all the principal disarmament bodies once again addressed the question of enhancing the role of the United Nations in the field of disarmament and increasing the efficiency of the existing machinery for deliberations and negotiations on disarmament.

As the Disarmament Commission did not reach a consensus in its 1987 session on the subject, the Commission recommended to the General Assembly that the Commission continue its consideration of the role of the United Nations in the field of disarmament as a matter of priority at its next substantive session, in 1988. The General Assembly, by its resolution 42/38 O of 30 November 1987,¹ endorsed the recommendation.

During the 1987 sessions of the Conference on Disarmament, such general questions as increasing the effectiveness of its functioning and the relationship between bilateral and multilateral negotiations were discussed. The General Assembly, by its resolution 42/42 L of 30 November 1987,² convinced that the Conference on Disarmament, as the single multilateral negotiating body on disarmament, should play the central role in substantive negotiations on priority questions of disarmament and on the implementation of the Programme of Action set forth in section III of the Final Document of the Tenth Special Session of the General Assembly,³ called upon the Conference on Disarmament to intensify its work and to adopt concrete measures on the specific priority issues of disarmament on its agenda, and to provide the existing ad hoc committees with appropriate negotiating mandates.

During its substantive session, the Preparatory Committee for the Third Special Session of the General Assembly devoted to Disarmament agreed on a set of recommendations concerning the organization of work of the forthcoming special session to be held in 1988, which it submitted to the General Assembly.⁴

During 1987, the Ad Hoc Committee on the Indian Ocean, established to study practical measures to achieve the objectives of resolution 2832 (XXVI) of

16 December 1971, entitled "Declaration of the Indian Ocean as a Zone of Peace," was unable to make definitive progress on the preparations for the envisaged Conference at Colombo and to finalize dates for its convening.

The Chairman of the Ad Hoc Committee on the World Disarmament Conference, which was established pursuant to resolution 3183 (XXVIII) of 18 December 1973 with the aim of convening a world conference open to all States, reported that during 1987 no agreement could be reached among the nuclear-weapon States on the question of convening such a Conference.

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

In 1987, the Disarmament Commission considered the subject of verification in the context of its discussions on the review of the tenth special session. There was a general exchange of views in the plenary meetings by the Commission members. The question of follow-up was not included in the agenda of the Conference on Disarmament in 1987. Delegations, however, took the opportunity to express their expectations with regard to the convening of the third special session devoted to disarmament, which was planned for the following year.

The General Assembly considered the matter at its forty-second session under two collective agenda items, entitled "Review of the implementation of the recommendations and decisions adopted by the General Assembly at its tenth special session" and "Review and implementation of the Concluding Document of the Twelfth Special Session of the General Assembly". Altogether, the Assembly adopted 25 resolutions within the framework of those two items in 1987.

By its resolution 42/39 A of 30 November 1987,⁵ the General Assembly, recalling that paragraph 13 of the Final Document of the Tenth Special Session, in which the Assembly had acknowledged that genuine and lasting peace could only be created through the effective implementation of the security system provided for in the Charter of the United Nations and the speedy and substantial reduction of arms and armed forces, by international agreement and mutual example, called upon the Security Council, in particular its permanent members, to take the necessary steps for the effective implementation of Article 26 of the Charter with a view to enhancing the central role of the United Nations in facilitating solutions to the issues of arms limitation, primarily in the nuclear field, and disarmament, as well as the strengthening of international peace and security. By its resolution 42/39 F of the same date,⁶ the General Assembly requested the Disarmament Commission to consider, at its 1988 session, the "Draft guidelines for appropriate types of confidence-building measures and for the implementation of such measures on a global or regional level", with a view to finalizing them in the most expeditious manner. By resolution 42/42 E of the same date,⁷ the General Assembly, stressing again the urgent need for an active and sustained effort to expedite the implementation of the recommendations and decisions unanimously adopted at its tenth special session, called upon all Member States and the international organizations concerned to continue to cultivate and disseminate, particularly in connection with the World Disarmament Campaign, launched by the General Assembly at its twelfth special session, the idea of international cooperation for disarmament. By its resolution 42/42 F of the same date,⁸ the General Assembly, reaffirming its conviction, as expressed in paragraph 91 of the Final

Document of the Tenth Special Session, that in order to facilitate the conclusion and effective implementation of disarmament agreements and to create confidence, States should accept appropriate provisions for verification in such agreements, called upon Member States to increase their efforts towards achieving agreements on balanced, mutually acceptable, comprehensively verifiable and effective arms limitation and disarmament measures.

And by its resolution 42/42 M of 30 November 1987,⁹ the General Assembly, while deeply concerned that no concrete results regarding the implementation of the recommendations and decisions of the tenth special session had been realized in the course of the more than nine years since that session, stressed that the Final Document of the Tenth Special Session of the General Assembly, which had been unanimously and categorically reaffirmed by all Member States at the twelfth special session as the comprehensive basis for efforts towards halting and reversing the arms race, retained all its validity and that the objectives and measures contained therein still represented one of the most important and urgent goals to be achieved. Consequently, the General Assembly invited all States, particularly nuclear-weapon States and especially those among them which possessed the most important nuclear arsenals, to take urgent measures with a view to implementing the recommendations and decisions contained in the Final Document of the Tenth Special Session of the General Assembly, as well as to fulfilling the priority tasks set forth in the Programme of Action contained in section III of the Final Document, and called upon all States, in particular nuclear-weapon States and other militarily significant States, to take urgent measures in order to promote international security on the basis of disarmament, to halt and reverse the arms race and to launch a process of genuine disarmament.

(iii) *General and complete disarmament*

Member States in various forums in 1987 reaffirmed that the attainment of general and complete disarmament under effective international control remained the final objective of the United Nations in the field of disarmament. However, because of the lack of concrete progress in the matter, a number of States felt that it would be more productive, if only as an interim measure, to shift from a long-term approach to one that included partial measures that could help achieve the goal of general and complete disarmament, such as reductions in nuclear arsenals.

By its resolution 42/38 I of 30 November 1987,¹⁰ the General Assembly reaffirmed its firm conviction that a better flow of objective information on military capabilities would help relieve international tension and contribute to the building of confidence among States on a global, regional or subregional level and to the conclusion of concrete disarmament agreements, and recommended that all States, in particular nuclear-weapon States and other militarily significant States, should consider implementing additional measures based on the principles of openness and transparency, such as the international system for the standardized reporting of military expenditures. By its resolution 42/38 K of the same date,¹¹ the General Assembly noted with satisfaction the report on the substantive consideration of the question of the naval arms race and disarmament by the Chairman of the Disarmament Commission, and requested the Disarmament Commission to continue, at its forthcoming session in 1988, the substantive consideration of the question. By its resolution 42/38 M of 30 November 1987,¹² the General

Assembly, stressing that any violation of agreements on arms limitation and disarmament not only adversely affected the security of States parties but could also create security risks for other States relying on the constraints and commitments stipulated in those agreements, and stressing further that any weakening of confidence in such agreements diminished their contribution to global or regional stability and to further disarmament and arms limitation efforts and undermined the credibility and effectiveness of the international legal system, urged all States parties to arms limitation and disarmament agreements to implement and comply with the entirety of the provisions of such agreements.

In addition, by its resolution 42/92 of 7 December 1987,¹³ the General Assembly invited all States, in particular the major military Powers and States members of military alliances, to refrain, especially in critical situations and in crisis areas, from actions, including military activities and manoeuvres, conceived within the context of East-West confrontation and used as a means of pressure or threat to and destabilization of other States and regions, and expressed its conviction that the gradual military disengagement of the great Powers and their military alliances from various parts of the world should be promoted.

(iv) *Comprehensive programme of disarmament*

In view of the fact that areas of disagreement regarding various aspects of the programme were not resolved during discussions in the Conference on Disarmament in 1987, the General Assembly adopted resolution 42/42 I of 30 November 1987,¹⁴ in which the Assembly urged the Conference on Disarmament to resume the work on the elaboration of the comprehensive programme of disarmament at the outset of its 1988 session with a view to resolving outstanding issues and concluding negotiations on the programme in time for its submission to the General Assembly at its third special session devoted to disarmament and, for that purpose, to re-establish its Ad Hoc Committee on the Comprehensive Programme of Disarmament.

(b) Nuclear disarmament

(i) *Nuclear arms limitation and disarmament*

Consideration of the matter in the Disarmament Commission, the Conference on Disarmament and the General Assembly at its forty-second session achieved no major substantive progress. Moreover, in the Conference on Disarmament, again, there was no agreement to set up an ad hoc committee for the item on nuclear disarmament.

In the General Assembly, with the adoption of resolution 42/38 H of 30 November 1987,¹⁵ the Assembly welcomed the agreement in principle between the Union of Soviet Socialist Republics and the United States of America to conclude a treaty on the elimination of their intermediate-range and shorter-range missiles, and called upon the two States to make further efforts for eliminating all their intermediate-range and shorter-range missiles. By the same resolution, the Assembly urged the Soviet Union and the United States further to discharge their special responsibility for nuclear disarmament, to take the lead in halting the nuclear-arms race and to negotiate in earnest with a view to reaching early agree-

ment on the drastic reduction of their nuclear arsenals. By its resolution 42/42 C, also of 30 November 1987,¹⁶ the General Assembly reaffirmed that the existence of bilateral negotiations on nuclear and space arms in no way diminished the urgent need to initiate multilateral negotiations in the Conference on Disarmament on the cessation of the nuclear-arms race and nuclear disarmament, and again requested the Conference on Disarmament to establish an ad hoc committee at the beginning of its 1988 session to elaborate on paragraph 50 of the Final Document and to submit recommendations to the Conference as to how it could best initiate multilateral negotiations of agreements, with adequate measures of verification.

Moreover, by its resolution 42/39 B, of the same date,¹⁷ the General Assembly, recognizing the urgent need for a negotiated reduction of nuclear-weapon stockpiles leading to their complete elimination, once again called upon all nuclear-weapon States to agree to a freeze on nuclear weapons, which would, *inter alia*, provide for a simultaneous total stoppage of any further production of nuclear weapons and a complete cut-off in the production of fissionable material for weapons purposes. By its resolution 42/39 H of the same date,¹⁸ the General Assembly urged once more the Union of Soviet Socialist Republics and the United States of America, as the two major nuclear-weapon States, to proclaim, either through simultaneous unilateral declarations or through a joint declaration, an immediate nuclear-arms freeze, which would be a first step towards a comprehensive programme of disarmament, and which would be subject to appropriate measures and procedures of verification, such as those that had already been agreed by the parties in the case of the SALT I and SALT II treaties.

And by its resolution 42/38 L, also of the same date,¹⁹ the General Assembly requested the Conference on Disarmament to pursue its consideration of the question of adequately verified cessation and prohibition of the production of fissionable material for nuclear weapons and other nuclear explosive devices.

(ii) *Treaty between the United States of America and the Union of Soviet Socialist Republics on the Elimination of Their Intermediate-Range and Shorter-Range Missiles*²⁰

The question of a treaty on intermediate-range and shorter-range nuclear missiles received extensive consideration at the forty-second session of the General Assembly, in both plenary meetings and the First Committee.

By its resolution 42/38 A of 30 November 1987,²¹ the General Assembly, noting with satisfaction that the Union of Soviet Socialist Republics and the United States of America had reached an agreement on the total elimination of their intermediate-range and shorter-range missiles, called upon the Government of the Soviet Union and the Government of the United States to spare no effort in seeking the attainment of all their agreed objectives in the negotiations, in accordance with the security interests of all States and the universal desire for progress towards disarmament, in particular early achievement of a treaty implementing the agreement to reduce their strategic offensive arms by 50 per cent. Furthermore, by its resolution 42/38 D of the same date,²² the General Assembly, convinced that in the interest of mankind as a whole, the Soviet Union and the United States, in their bilateral nuclear-arms negotiations, should continue their endeavours with the ultimate objective of achieving general and complete disarmament under effective international control, welcomed the agreement in principle between the the Soviet Union

and the United States to sign a treaty on intermediate-range and shorter-range missiles to make intensive efforts to achieve a treaty on a 50 per cent reduction in strategic offensive arms within the framework of the Geneva nuclear and space talks, and called upon the two Governments concerned to intensify their efforts with the objective of achieving agreements in other areas, in particular, the areas of strategic arms and a nuclear-test ban, as a matter of urgency.

The Treaty was signed by the two parties on 8 December 1987. According to the provisions of the Treaty, the basic obligation of the two parties is to eliminate intermediate- and shorter-range missiles and not to have such systems thereafter. The elimination of intermediate-range missiles is to be completed no later than three years after, and shorter-range missiles within 18 months of, the entry into force of the Treaty.

The Soviet Union, the United States and other States believed that the Treaty could have a positive impact not only on the relations between the two parties, but also on the security of the whole world. The conclusion of the Treaty has also been welcomed in the hope that it will enhance international stability and have a positive influence on other ongoing disarmament negotiations, multilateral as well as bilateral.

(iii) *Prevention of nuclear war*

In 1987, the General Assembly continued to pursue the goal of the prevention of nuclear war in the firm belief that resort to nuclear war would threaten the very existence of mankind. It was noted in the debate in the First Committee, however, that the Conference on Disarmament during its 1987 session had once again been unable to establish a subsidiary body to consider effective measures, including the elaboration of an international instrument of a legally binding nature, for the prevention of nuclear war.

By its resolution 42/42 A of 30 November 1987,²³ the General Assembly, recalling that in the Political Declaration adopted at the Eighth Conference of Heads of State or Government of Non-Aligned Countries, held at Harare from 1 to 6 September 1986, all nuclear-weapon States had been called upon to enter early into an internationally binding commitment not to be the first to use or to threaten to use nuclear weapons,²⁴ requested the Conference on Disarmament to commence negotiations on the item "Prevention of nuclear war" of its agenda and to consider, *inter alia*, the elaboration of an international instrument of a legally binding character laying down the obligation not to be the first to use nuclear weapons.

Moreover, by its resolution 42/42 D also of 30 November 1987,²⁵ the General Assembly, noting with grave concern that the Conference on Disarmament once again had been unable to start negotiations on the question during its 1987 session, again requested the Conference to undertake, as a matter of the highest priority, negotiations with a view to achieving agreement on appropriate and practical measures that could be negotiated and adopted individually for the prevention of nuclear war and to establish for that purpose an ad hoc committee on the subject at the beginning of the 1988 session. Furthermore, by its resolution 42/39 C of the same date,²⁶ the General Assembly, noting with regret that the Conference on Disarmament, during the 1987 session, had not been able to undertake negotiations with a view to achieving agreement on an international

convention prohibiting the use or threat of use of nuclear weapons under any circumstances, reiterated its request to the Conference to commence negotiations, as a matter of priority, in order to reach agreement on an international convention prohibiting the use or threat of use of nuclear weapons under any circumstances, taking as a basis the draft Convention on the Prohibition of the Use of Nuclear Weapons annexed to the resolution.

(iv) *Cessation of nuclear-weapon tests*

On the multilateral level, several initiatives for halting nuclear testing were made in 1987. However, reservations concerning the urgency of the issue continued to be voiced by a few States that believed that a lasting improvement in international security did not depend primarily on the early cessation of nuclear testing. Among the proposals submitted at the 1987 session of the Conference on Disarmament was one by members of the socialist group of States, entitled the "Basic provisions of a treaty on the complete and general prohibition of nuclear-weapon tests",²⁷ which they felt could serve as a sound basis for work to stimulate an early start of substantive, full-scale negotiations at the Conference. As in the past three years, the Conference was unable to establish a subsidiary body on the item, because of disagreement over its mandate.

The General Assembly, by its resolution 42/26 A of 30 November 1987,²⁸ appealed to all States members of the Conference on Disarmament, in particular to the three depositary Powers of the Treaty Banning Nuclear Weapon Tests in the Atmosphere, in Outer Space and under Water²⁹ and of the Treaty on the Non-Proliferation of Nuclear Weapons,³⁰ to promote the establishment by the Conference at the beginning of its 1988 session of an ad hoc committee with the objective of carrying out the multilateral negotiation of a treaty on the complete cessation of nuclear-test explosives, and recommended to the Conference on Disarmament that such an ad hoc committee should comprise two working groups dealing, respectively, with the following interrelated questions: contents and scope of the treaty, and compliance and verification. By its resolution 42/26 B of the same date,³¹ the General Assembly, recalling that the Third Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, in its Final Declaration³² adopted by consensus on 21 September 1985, expressed its deep regret that a comprehensive multilateral nuclear-test-ban treaty had not been concluded so far and called for the urgent negotiation and conclusion of such a treaty as a matter of the highest priority, recommended that the non-nuclear-weapon States parties to the Treaty Banning Nuclear Weapon Tests in the Atmosphere, in Outer Space and under Water formally submit an amendment proposal to the depositary Governments with a view to convening a conference at the earliest possible date to consider amendments to the Treaty that would convert it into a comprehensive nuclear-test-ban treaty. Furthermore, by its resolution 42/27, also of 30 November 1987,³³ the General Assembly, while reaffirming the particular responsibilities of the Conference on Disarmament in the negotiation of a comprehensive nuclear-test-ban treaty, reaffirmed its conviction that a treaty to achieve the prohibition of all nuclear-test explosions by all States in all environments for all time was a matter of fundamental importance.

Moreover, by resolution 42/38 C of 30 November 1987,³⁴ the General Assembly again urged each of the States conducting nuclear explosions to provide

to the Secretary-General within one week of each nuclear explosion such data as referred to in General Assembly resolution 41/59 N of 3 December 1986, and invited all other States to provide to the Secretary-General any such data on nuclear explosions they might have available.

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

In 1987, the Conference on Disarmament re-established its Ad Hoc Committee on the question of effective security guarantees to non-nuclear-weapon States in order to continue negotiations with a view to reaching agreement. However, the difficulties relating to differing perceptions of security interests on the part of nuclear-weapon States, on the one hand, and non-nuclear-weapon States, on the other, persisted and the complex nature of the issues involved continued to prevent agreement on a formula.

The General Assembly, by its resolution 42/31 of 30 November 1987,³⁵ aware of the wide support in the Conference on Disarmament for continuing the search for a "common formula", which could be included in an international legally binding instrument to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons, and welcoming once again the solemn declarations made by some nuclear-weapon States concerning non-first use of nuclear weapons, and convinced that if all nuclear-weapon States were to assume obligations not to be the first to use weapons, that would be tantamount in practice to banning the use of nuclear weapons against all States, including all non-nuclear-weapon States, reaffirmed once again the urgent need to reach agreement on effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons and to find a common approach acceptable to all.

And by its resolution 42/32 of the same date,³⁶ the General Assembly noted with satisfaction that in the Conference on Disarmament there was no objection, in principle, to the idea of an international convention to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons, although the difficulties as regards evolving a common approach acceptable to all had also been pointed out, and recommended that further intensive efforts should be devoted to the search for such a common approach or common formula and that the various alternative approaches, including in particular those considered in the Conference on Disarmament, should be further explored in order to overcome the difficulties.

(vi) *Nuclear-weapon-free zones*

In 1987, in the discussions in the various disarmament forums, it was argued that the creation of nuclear-weapon-free zones would prevent the further proliferation of nuclear weapons, strengthen the security of the countries concerned and contribute to confidence-building among them. At the same time, it was stressed by a number of Member States that the establishment of such zones would require the fulfilment of certain prerequisites, including one based on the principle that the initiative should be supported by agreements freely arrived at among the States of a given region.

*Treaty for the Prohibition of Nuclear Weapons in Latin America (Treaty of Tlatelolco)*³⁷

By its resolution 42/25 of 30 November 1987,³⁸ the General Assembly, recalling that three of the States to which Additional Protocol I of the Treaty of Tlatelolco was open — the United Kingdom of Great Britain and Northern Ireland, the Kingdom of the Netherlands and the United States of America — became parties to the Protocol, deplored the fact that the signature of the Additional Protocol I by France, which had taken place in 1979, had not yet been followed by the corresponding ratification, and once again urged France not to delay any further such ratification.

Denuclearization of Africa

By its resolution 42/34 A of 30 November 1987,³⁹ the General Assembly, recalling that in its resolution 33/63 of 14 December 1978 it had vigorously condemned any overt or covert attempt by South Africa to introduce nuclear weapons into the continent of Africa and demanded that South Africa refrain forthwith from conducting any nuclear explosions on the continent or elsewhere, strongly renewed its call upon all States to consider and respect the continent of Africa and its surrounding areas as a nuclear-weapon-free zone, and demanded once again that the racist regime of South Africa refrain from manufacturing, testing, deploying, transporting, storing, using or threatening to use nuclear weapons. Furthermore, by its resolution 42/34 B of the same date,⁴⁰ the General Assembly, recalling that, in paragraph 12 of the Final Document of the Tenth Session of the General Assembly, it had noted that the massive accumulation of armaments and the acquisition of armaments technology by racist regimes, as well as their possible acquisition of nuclear weapons, presented a challenging and increasingly dangerous obstacle to a world community faced with the urgent need to disarm, condemned the massive build-up of South Africa's military machine, in particular its frenzied acquisition of nuclear-weapon capability for repressive and aggressive purposes and as an instrument of blackmail, and called upon all States, corporations, institutions and individuals to terminate forthwith all forms of military and nuclear collaboration with the racist regime.

Establishment of a nuclear-weapon-free zone in the region of the Middle East

By its resolution 42/28 of 30 November 1987,⁴¹ the General Assembly, reaffirming the inalienable right of all States to acquire and develop nuclear energy for peaceful purposes, urged all parties directly concerned to consider seriously taking the practical and urgent steps required for the implementation of the proposal to establish a nuclear-weapon-free zone in the region of the Middle East in accordance with the relevant resolutions of the General Assembly and, as a means of promoting that objective, invited the countries concerned to adhere to the Treaty on the Non-Proliferation of Nuclear Weapons; and, pending the establishment of the zone, called upon all countries of the region that had not done so to agree to place all their nuclear activities under International Atomic Energy Agency safeguards; invited those countries to declare their support for establishing such a zone, consistent with the relevant paragraph of the Final Document of the Tenth Special Session of the General Assembly and to deposit those declarations with the Security Council; and further invited countries not to develop, produce, test or otherwise acquire nuclear weapons or permit the stationing on their territories, or territories under their control, of nuclear weapons or nuclear explosive devices.

Establishment of a nuclear-weapon-free zone in South Asia

By its resolution 42/29 of 30 November 1987,⁴² the General Assembly reaffirmed its endorsement, in principle, of the concept of a nuclear-weapon-free zone in South Asia; urged once again the States of South Asia to continue to make all possible efforts to establish a nuclear-weapon-free zone in South Asia and to refrain, in the meantime, from any action contrary to that objective; and called upon those nuclear-weapon States that had not done so to respond positively to that proposal and to extend the necessary cooperation in the efforts to establish a nuclear-weapon-free zone in South Asia.

(vii) International cooperation in the peaceful uses of nuclear energy

The United Nations Conference for the Promotion of International Cooperation in the Peaceful Uses of Nuclear Energy was held at Geneva from 23 March to 10 April 1987.⁴³ Notwithstanding the fact that the delegations were unable to agree on a complete set of principles and means for strengthening cooperation in the peaceful uses of nuclear energy, it was felt that the Conference had served a useful purpose.

By its resolution 42/6 of 20 October 1987,⁴⁴ the General Assembly, welcoming the entry into force on 27 October 1986 and 26 February 1987 of the Convention on Early Notification of a Nuclear Accident⁴⁵ and the Convention on Assistance in the Case of a Nuclear Accident or Radiological Emergency,⁴⁶ and the fact that many States had already ratified them or consented to be bound by them provisionally pending ratification, and noting with appreciation the entry into force on 8 February 1987 of the Convention on the Physical Protection of Nuclear Material,⁴⁷ urged all States to strive for effective and harmonious international cooperation in carrying out the work of the International Atomic Energy Agency, pursuant to its statute, in promoting the use of nuclear energy and the application of the necessary measures to strengthen further the safety of nuclear installations and to minimize risks to health; in strengthening technical assistance and cooperation for developing countries; and in ensuring the effectiveness and efficiency of the Agency's safeguards system.

And by its resolution 42/24 of the same date,⁴⁸ the General Assembly, recalling that the United Nations Conference for the Promotion of International Cooperation in the Peaceful Uses of Nuclear Energy had provided a global forum under the auspices of the United Nations to consider specifically all relevant concerns on the role of nuclear power and of applications of nuclear techniques in such fields as food and agriculture, health and medicine, hydrology, industry, and scientific and technological research for economic and social development, took note of the report of the United Nations Conference for the Promotion of International Cooperation in the Peaceful Uses of Nuclear Energy;⁴⁹ believed that the Conference had served a useful purpose in examining the role of nuclear energy in economic and social development, and the complex problems in the promotion of international cooperation in that vital field; and recognized that the technical reports presented at the Conference could be used in planning programmes for development, use and safety of nuclear energy for peaceful purposes.

(c) Prohibition or restriction of use of other weapons

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

Significant progress was achieved in 1987 by the Conference on Disarmament in the elaboration of a convention on the prohibition of the development, production and stockpiling of chemical weapons and on their destruction. Among other things, agreement was reached that all chemical weapons would be destroyed and an understanding emerged among most of the major negotiating parties that all chemical weapons should be fully declared, also by location, and verified when the convention entered into force.

The General Assembly, by its resolution 42/37 A of 30 November 1987,⁵⁰ took note with satisfaction of the work of the Conference on Disarmament during its 1987 session regarding the prohibition of chemical weapons, and in particular appreciated the progress in the work of its Ad Hoc Committee on Chemical Weapons on that question and the tangible results recorded in its report, and expressed again none the less its regret and concern that, notwithstanding the progress made in 1987, a convention on the complete and effective prohibition of the development, production, stockpiling and use of all chemical weapons and on their destruction had not yet been elaborated. And by its resolution 42/37 C of the same date,⁵¹ the General Assembly renewed its call to States to observe strictly the principles and objectives of the 1925 Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare,⁵² and condemned all actions that violate that obligation, and requested the Secretary-General to carry out investigations in response to reports that might be brought to his attention by any Member State concerning the possible use of chemical and bacteriological (biological) or toxin weapons that might constitute a violation of the 1925 Geneva Protocol or other relevant rules of customary international law in order to ascertain the facts of the matter, and to report promptly the results of any such investigation to all Member States.

By its resolution 42/37 B of 30 November 1987,⁵³ the General Assembly noted with appreciation that, in accordance with the Final Declaration of the Second Review Conference of the Parties to the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction,⁵⁴ an Ad Hoc Meeting of Scientific and Technical Experts from States parties to the Convention had been held at Geneva from 31 March to 15 April 1987, and had adopted by consensus a report⁵⁵ finalizing the modalities for the exchange of information and data agreed to in the Final Declaration, thus enabling States parties to follow a standardized procedure, and further noted that the Ad Hoc Meeting had agreed in its report that the first exchange of information and data should take place not later than 15 October 1987 and that thereafter information to be given on an annual basis should be provided through the Department for Disarmament Affairs of the United Nations Secretariat not later than 15 April.

(ii) *Prevention of an arms race in outer space*

There was no breakthrough during the year in efforts to ensure the use of outer space for peaceful purposes alone, even though concern continued to be

expressed, in all forums dealing with the question, at the grave dangers that an arms race in outer space would pose for all mankind. In the Conference on Disarmament, there was general recognition by the Member States of the importance of preventing an arms race in outer space and readiness to ensure that substantive work on the item continued. Consequently, the relevant Ad Hoc Committee of the Conference recommended its re-establishment at the beginning of the Conference's 1988 session.

By its resolution 42/33 of 30 November 1987,⁵⁶ the General Assembly, recalling that the States parties to the Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies,⁵⁷ had undertaken, in article III, to carry on activities in the exploration and use of outer space, including the Moon and other celestial bodies, in accordance with international law and the Charter of the United Nations, in the interest of maintaining international peace and security and promoting international cooperation and understanding; reaffirming, in particular, article IV of the above-mentioned Treaty, which stipulates that States parties to the Treaty undertake not to place in orbit around the Earth any objects carrying nuclear weapons or any other kinds of weapons of mass destruction, install such weapons on celestial bodies or station such weapons in outer space in any other manner; reaffirming also paragraph 80 of the Final Document of the Tenth Special Session of the General Assembly; and welcoming the re-establishment of an Ad Hoc Committee on the prevention of an arms race in outer space during the 1987 session of the Conference on Disarmament, recalled the obligation of all States to refrain from the threat or use of force in their space activities; reiterated that the Conference on Disarmament, as the single multilateral disarmament negotiating forum, had the primary role in the negotiation of a multilateral agreement or agreements, as appropriate, on the prevention of an arms race in outer space in all its aspects; and requested the Conference on Disarmament to re-establish an ad hoc committee with an adequate mandate at the beginning of its 1988 session with a view to undertaking negotiations for the conclusion of an agreement or agreements, as appropriate, to prevent an arms race in outer space. The General Assembly further urged the Union of Soviet Socialist Republics and the United States of America to pursue intensively their bilateral negotiations in a constructive spirit aimed at reaching early agreement for preventing an arms race in outer space, and to advise the Conference on Disarmament periodically of the progress of their bilateral sessions so as to facilitate its work, and called upon all States, especially those with major space capabilities, to refrain, in their activities relating to outer space, from actions contrary to the observance of the relevant existing treaties or to the objective of preventing an arms race in outer space.

(iii) *New weapons of mass destruction: radiological weapons*

There was no change in 1987 regarding a general prohibition of the development and manufacture of new weapons of mass destruction, owing to differences among Member States on the necessity to take immediate action in the field. The question of banning radiological weapons, as well as the proposal to prohibit attacks on nuclear facilities, were again addressed in the Conference on Disarmament, which decided not to continue with the so-called unitary approach to those questions, and instead to establish two separate contact groups to deal with them.

By its resolution 42/35 of 30 November 1987,⁵⁸ the General Assembly, determined to prevent modern science and technology from leading to the development of new types of weapons of mass destruction that had characteristics comparable in destructive effect to those of weapons of mass destruction identified in the definition of weapons of mass destruction adopted by the United Nations in 1948,⁵⁹ requested the Conference on Disarmament to keep constantly under review, with appropriate expert assistance, the question of the prohibition of the development and manufacture of new types of weapons of mass destruction and new systems of such weapons with a view to making, when necessary, recommendations on undertaking specific negotiations on the identified types of such weapons; called upon all States, immediately following the identification of any new type of weapon of mass destruction, to renounce the practical development of such a weapon and to commence negotiations on its prohibition; and once again urged all States to refrain from any action that could lead to the emergence of new types of weapons of mass destruction and new systems of such weapons. By its resolution 42/38 B of the same date,⁶⁰ the General Assembly took note of the recommendation of the Conference on Disarmament that the Ad Hoc Committee on Radiological Weapons should be re-established at the beginning of its 1988 session, and requested the Conference on Disarmament to continue its negotiations on the subject with a view to a prompt conclusion of its work, taking into account all proposals presented to the Conference to that end and drawing upon the annexes to its report as a basis of its future work, the result of which should be submitted to the General Assembly at its forty-third session. Furthermore, by its resolution 42/38 F, also of 30 November 1987,⁶¹ the General Assembly reaffirmed that armed attacks of any kind against nuclear facilities were tantamount to the use of radiological weapons, owing to the dangerous radioactive forces that such attacks caused to be released, and requested the Conference on Disarmament to intensify further its efforts to reach, as early as possible, an agreement prohibiting armed attacks against nuclear facilities.

(d) Consideration of conventional disarmament and other approaches

(i) *Conventional weapons*

In 1987, questions concerning conventional weapons received considerable attention in multilateral disarmament forums. In the general exchange of views within the framework of the Disarmament Commission, a great number of States expressed their belief that the need for conventional disarmament was becoming more urgent. The Commission, however, was not able to adopt recommendations on the issue during its current session.

The General Assembly, by its resolution 42/38 E of 30 November 1987,⁶² took note with satisfaction of the report on the consideration of the question of conventional disarmament during the 1987 session of the Disarmament Commission,⁶³ and requested the Disarmament Commission to include in the agenda of its 1988 session the item entitled "Substantive consideration of issues related to conventional disarmament, including the recommendations and conclusions contained in the *Study on Conventional Disarmament*".⁶⁴ By its resolution 42/38 G, also of 30 November 1987,⁶⁵ the General Assembly, bearing in mind its

resolution 36/97 A of 9 December 1981 and the *Study on Conventional Disarmament* conducted in accordance with that resolution, as well as its resolutions 41/59 C and 41/59 G of 3 December 1986 and the consideration by the Disarmament Commission at its 1987 session of the question of conventional disarmament, believed that the military forces of all countries should not be used other than for the purpose of self-defence, and urged the countries with the largest military arsenals, which bore a special responsibility in pursuing the process of conventional armaments reductions, and the member States of the two major military alliances to continue negotiations through various forums on conventional disarmament in earnest, with a view to reaching early agreement on the limitation and gradual and balanced reduction of armed forces and conventional weapons under effective international control in their respective regions, particularly in Europe, which had the largest concentration of arms and forces in the world. And by its resolution 42/38 N of the same date,⁶⁶ the General Assembly expressed its firm support of all regional or subregional endeavours, taking into account the characteristics of each region and when the regional situation so permitted, as well as unilateral measures, directed to strengthening mutual confidence and to assuring the security of all States involved, making possible regional agreements on arms limitations in the future, and reiterated the primary responsibility of the militarily significant States, especially the nuclear-weapon States, for halting and reversing the arms race, and the priority assigned to nuclear disarmament in the context of the advances towards general and complete disarmament. Furthermore, by its resolution 42/39 E also of the same date,⁶⁷ the General Assembly, confirming the importance and potential effectiveness of regional disarmament measures taken at the initiative and with the participation of all States concerned, in that they could contribute to the realization of general and complete disarmament under strict and effective international control; stressing that any regional disarmament enterprise must take into account the specific conditions characteristic of each region; and also stressing that it was for the countries themselves of a region to take appropriate initiatives in common and to prepare agreements that would allow the achievement of regional disarmament, encouraged States to consider and develop as far as possible regional solutions in the matter of arms reduction and disarmament, and requested the United Nations to lend its assistance to States and regional institutions that might request it, with a view to the institution of measures within the framework of an effort for regional disarmament.

Moreover, by its resolution 42/30 of 30 November 1987,⁶⁸ the General Assembly, recalling with satisfaction the adoption, on 10 October 1980, of the 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, together with the Protocol on Non-Detectable Fragments (Protocol I), the Protocol on Prohibitions or Restrictions on the Use of Mines, Booby Traps and Other Devices (Protocol II) and the Protocol on Prohibitions or Restrictions on the Use of Incendiary Weapons (Protocol III),⁶⁹ noted with satisfaction that, consequent upon the fulfilment of the conditions set out in article 5 of the Convention, the Convention and the three Protocols annexed thereto had entered into force on 2 December 1983, and urged all States that had not yet done so to exert their best endeavours to become parties to the Convention and the Protocols annexed thereto as early as possible.

(ii) *Reduction of military budgets*

During discussions in 1987 on the question of the reduction of military budgets, it seemed to be generally felt that some rapprochement had occurred in the positions of States on the issue of transparency and comparability of military budgets. However, some delegations cautioned that there should be no preconditions for commencing negotiations on reductions.

By its resolution 42/36 of 30 November 1987,⁷⁰ the General Assembly, reaffirming once again the provisions of paragraph 89 of the Final Document of the Tenth Special Session of the General Assembly, according to which the gradual reduction of military budgets on a mutually agreed basis would contribute to curbing the arms race, and recalling that in the Declaration of the 1980s as the Second United Nations Disarmament Decade, it was provided that during that period renewed efforts should be made to reach agreement on the reduction of military expenditures and the reallocation of resources thus saved to economic and social development, especially for the benefit of developing countries; declared again its conviction that it was possible to achieve international agreements on the reduction of military budgets without prejudice to the right of all States to undiminished security, self-defence and sovereignty; and appealed to all States, in particular to the most heavily armed States, pending the conclusion of agreements on the reduction of military expenditures, to exercise self-restraint in their military expenditures with a view to reallocating the funds thus saved to economic and social development, particularly for the benefit of developing countries. The General Assembly also drew anew the attention of Member States to the fact that the identification and elaboration of the principles that should govern further actions of States in freezing and reducing military budgets could contribute to harmonizing the views of States and creating confidence among them conducive to achieving international agreements on the reduction of military budgets.

2. OTHER POLITICAL AND SECURITY QUESTIONS

(a) Implementation of the Declaration on the Strengthening of International Security⁷¹

In its resolution 42/92 of 7 December 1987,⁷² adopted on the recommendation of the First Committee,⁷³ the General Assembly reaffirmed the validity of the Declaration on the Strengthening of International Security and called upon all States to contribute effectively to its implementation; called upon all States, in particular the nuclear-weapon States and other militarily significant States, to take immediate steps aimed at, *inter alia*, promoting and using effectively the system of collective security as envisaged in the Charter of the United Nations; stressed that there was an urgent need to enhance the effectiveness of the Security Council in discharging its principal role of maintaining international peace and security and to enhance the authority and enforcement capacity of the Council in accordance with the Charter; and considered that respect for and promotion of human rights and fundamental freedoms in their civil, political, economic, social and cul-

tural aspects, on the one hand, and the strengthening of international peace and security, on the other, mutually reinforced each other.

(b) Legal aspects of peaceful uses of outer space

The Legal Subcommittee of the Committee on the Peaceful Uses of Outer Space held its twenty-sixth session at United Nations Headquarters from 16 March to 3 April 1987.⁷⁴

In continuing its consideration of the agenda item entitled "The elaboration of draft principles relevant to the use of nuclear power sources in outer space", the Legal Subcommittee re-established its Working Group on the item. The Subcommittee had before it a working paper⁷⁵ which was a revision of a paper submitted to the twenty-fifth session of the Subcommittee⁷⁶ by the delegation of Canada. Working papers were also submitted at the current session by the delegations of Sweden,⁷⁷ the Federal Republic of Germany⁷⁸ and Argentina,⁷⁹ and by the delegations of Brazil, Chile, Egypt, Indonesia, Mexico, the Netherlands and Uruguay.⁸⁰ At the conclusion of its substantive discussion, Canada, in the light of the discussions, submitted another revised working paper on the topic.⁸¹ While the Working Group was not in a position to record agreement on any particular provision under discussion at its current session, the Group felt its work had been constructive and useful.

The Subcommittee also re-established its Working Group on the agenda item entitled "Matters relating to the definition and delimitation of outer space and to the character and utilization of the geostationary orbit, including consideration of ways and means to ensure the rational and equitable use of the geostationary orbit without prejudice to the role of the International Telecommunication Union". The Subcommittee had before it working papers submitted at its previous sessions. The Group addressed both aspects of the agenda item, namely, the definition and delimitation of outer space, and the geostationary orbit, during the course of its deliberations at the current session.

The Subcommittee further took up the agenda item entitled "Consideration of the choice of a new item for the agenda of the Legal Subcommittee, including the proposals made by the Group of 77 and others, with a view to making a recommendation to the Committee on the Peaceful Uses of Outer Space in order to reach consensus during the Committee's thirtieth session". Working papers were submitted to the Subcommittee by the delegation of the United Kingdom;⁸² the delegations of Australia, Belgium, the Federal Republic of Germany, Italy, Japan, the Netherlands, the United Kingdom and the United States;⁸³ the delegation of Czechoslovakia;⁸⁴ and the Group of 77 of the Subcommittee.⁸⁵ The Legal Subcommittee held consultations and recommended that its consideration on the item be continued at the thirtieth session of the Committee, with a view to reaching consensus at that session.

The Committee on the Peaceful Uses of Outer Space at its thirtieth session, held at United Nations Headquarters from 1 to 11 June 1987, took note with appreciation of the report of the Legal Subcommittee on the work of its twenty-sixth session and made recommendations concerning the agenda of the Subcommittee at its twenty-seventh session.⁸⁶

During the discussion on the item entitled "The elaboration of draft principles relevant to the use of nuclear power sources in outer space", some delega-

tions referred to the conclusion of the Convention on Early Notification of a Nuclear Accident and the Convention on Assistance in the Case of a Nuclear Accident or Radiological Emergency, and called for a comparative analysis of the provisions of those Conventions with proposed legal texts relating to the use of nuclear power sources in outer space, in order to ensure that the work of the Legal Subcommittee would be in line with those Conventions.

With regard to the item entitled "Matters relating to the definition and delimitation of outer space and to the character and utilization of the geostationary orbit, including consideration of ways and means to ensure the rational and equitable use of the geostationary orbit without prejudice to the role of the International Telecommunication Union", the Committee noted that a variety of views had been expressed on the topic as reflected in the report of the Legal Subcommittee. A working paper had been submitted by the Union of Soviet Socialist Republics⁸⁷ regarding the issue of the definition and delimitation of outer space. On the issue of the geostationary orbit, some delegations proposed that the Legal Subcommittee elaborate draft principles governing the activities of States in the utilization of the geostationary orbit.

With regard to the agenda item entitled "Consideration of the choice of a new item for the agenda of the Legal Subcommittee, including the proposals made by the Group of 77 and others, with a view to making a recommendation to the Committee on the Peaceful Uses of Outer Space in order to reach consensus during the Committee's thirtieth session", the Committee noted the suggestions made in the report of the Legal Subcommittee. During the Committee's current session, a working paper⁸⁸ reiterating and explaining their proposal concerning the inclusion of the question of improving the procedure for the registration of space objects as a new item, was submitted by the delegations of Canada, France, the Netherlands and Sweden.

The Committee strongly recommended that consideration of the question should be continued in order to reach consensus, if possible, during the forthcoming session of the General Assembly, or if not, at the next session of the Legal Subcommittee.

Regarding the agenda of the Legal Subcommittee, the Committee recommended that the Subcommittee continue the work on its current agenda items.

At its forty-second session, by resolution 42/68 of 2 December 1987,⁸⁹ adopted on the recommendation of the Special Political Committee,⁹⁰ the General Assembly endorsed the report of the Committee on the Peaceful Uses of Outer Space on the work of its thirtieth session;⁹¹ invited States that had not yet become parties to the international treaties governing the uses of outer space⁹² to give consideration to ratifying or acceding to those treaties; and endorsed the recommendations of the Committee that the Legal Subcommittee at its twenty-seventh session should in its working groups: (a) continue the elaboration of draft principles relevant to the use of nuclear power sources in outer space, and (b) continue its consideration of matters relating to the definition and delimitation of outer space and to the character and utilization of the geostationary orbit, including consideration of ways and means to ensure the rational and equitable use of the geostationary orbit, without prejudice to the role of the International Telecommunication Union. The Assembly also requested the Legal Subcommittee to finalize the choice of a new item for its agenda, taking into account the proposal made by the Group of 77 and other proposals, in order to begin its consideration of the item at its twenty-seventh session.

(c) Question of Antarctica

By its resolution 42/46 A of 30 November 1987,⁹³ adopted on the recommendation of the First Committee,⁹⁴ the General Assembly, recalling that the Antarctic Treaty was intended to further the purposes and principles embodied in the Charter of the United Nations, viewed with concern the continuing participation of the apartheid regime of South Africa in the meetings of the Antarctic Treaty Consultative Parties, and appealed once again to the Parties to take urgent measures to exclude the racist apartheid regime of South Africa from participation in the meetings of the Consultative Parties at the earliest possible date. Furthermore, by its resolution 42/46 B of the same date,⁹⁵ adopted also on the recommendation of the First Committee,⁹⁷ the General Assembly, reaffirming that the management, exploration, exploitation and use of Antarctica should be conducted in accordance with the purposes and principles of the Charter of the United Nations and in the interest of maintaining international peace and security and of promoting international cooperation for the benefit of mankind as a whole, called upon the Antarctic Treaty Consultative Parties to invite the Secretary-General or his representative to all meetings of the Treaty parties, including their consultative meetings and the minerals regime negotiations, and urged all States Members of the United Nations to cooperate with the Secretary-General and to continue consultations on all aspects relating to Antarctica.

3. ENVIRONMENTAL, ECONOMIC, SOCIAL, HUMANITARIAN AND CULTURAL QUESTIONS

(a) Environmental questions

Fourteenth session of the Governing Council of the United Nations Environment Programme⁹⁸

The fourteenth session of the Governing Council of the United Nations Environment Programme was held at UNEP headquarters, Nairobi, from 8 to 19 June 1987.

By its decision 14/14,⁹⁹ entitled "Report of the World Commission on Environment and Development", the Governing Council, considering that the report of the World Commission,¹⁰⁰ which had been before the Governing Council at its fourteenth session, was a valuable analysis of the environmental problems confronting the world community and provided clear and positive guidance for their solution, *inter alia*, through economic growth based on sustainable development, decided to transmit the report to the General Assembly. By its decision 14/26,⁹⁹ entitled "Rationalization of international conventions on biological diversity", the Governing Council requested the Executive Director of UNEP, in consultation with Governments and within available resources, to establish an ad hoc working group of experts to investigate in close collaboration with the Ecosystems Conservation Group and other international organizations the desirability and possible form of an umbrella convention to rationalize current activi-

ties in the field, and to address other areas which might fall under such a convention. Furthermore, by its decision 14/29,⁹⁹ entitled "International conventions and protocols in the field of the environment", the Governing Council called upon all States that had not already done so to sign, ratify and implement the existing conventions and protocols in the field of the environment to which they were entitled to become parties. By its decision 14/30,⁹⁹ entitled "Environmentally sound management of hazardous wastes", the Governing Council authorized the Executive Director of UNEP to convene in consultation with Governments, within available resources, a working group of legal and technical experts with a mandate to prepare a global convention on the control of transboundary movements of hazardous wastes, drawing on the conclusions of the Ad Hoc Working Group and the relevant work of national, regional and international bodies. Moreover, by its decision of 14/31,⁹⁹ entitled "Shared natural resources and legal aspects of offshore mining and drilling", the Council called upon Governments and international organizations to take further action to implement the principles of conduct in the field of the environment for the guidance of States in the conservation and harmonious utilization of natural resources shared by two or more States, and the conclusions of the study of the legal aspects concerning the environment related to the offshore mining and drilling.

Consideration by the General Assembly

At its forty-second session, the General Assembly, by its resolution 42/184 of 11 December 1987,¹⁰¹ adopted on the recommendation of the Second Committee,¹⁰² took note of the report of the Governing Council of the United Nations Environment Programme on the work of its fourteenth session¹⁰³ and endorsed the decisions contained therein, as adopted. Furthermore, the Assembly expressed its appreciation for the leading role played by the United Nations Environment Programme in achieving the entry into force of the Agreement on the Action Plan for the Environmentally Sound Management of the Common Zambezi River System,¹⁰⁴ the adoption of the Convention for the Protection of the Natural Resources and Environment of the South Pacific Region,¹⁰⁵ the entry into force of the Convention for the Protection and Development of the Marine Environment of the Wider Caribbean Region¹⁰⁶ and, in particular, the adoption of the Montreal Protocol on Substances that Deplete the Ozone Layer,¹⁰⁷ and encouraged UNEP, through its Governing Council, to continue such efforts. Moreover, by its resolution 42/185 of the same date,¹⁰⁸ adopted also on the recommendation of the Second Committee,¹⁰⁹ the General Assembly decided that there would be no regular session of the Governing Council of the United Nations Environment Programme in 1988 and that, beginning in 1989, the regular sessions of the Council would be held only in odd-numbered years; and also decided that the Governing Council would hold a special one-week session every six years, beginning in 1988, to consider and approve the system-wide medium-term environment programme and to consider the global programme on the environment of the proposed United Nations medium-term plan. By its resolution 42/186, also of 11 December 1987,¹¹⁰ and adopted also on the recommendation of the Second Committee,¹¹¹ the General Assembly adopted the Environmental Perspective to the Year 2000 and Beyond, contained in the annex to the resolution, as a broad framework to guide national action and international cooperation on policies and programmes aimed at achieving environmentally sound development, and specifi-

cally as a guide to the preparation of further system-wide medium-term environmental programmes and the medium-term programmes of the organizations and bodies of the United Nations system; agreed that the recommendations for action contained in the Environmental Perspective should be implemented, as appropriate, through national and international action by Governments, intergovernmental and non-governmental organizations and scientific bodies; requested the Governing Council to keep under review the extent to which the long-term environmental actions recommended in the Environmental Perspective had been implemented and to identify any new environmental concerns that might arise; and decided to transmit the text of the Environmental Perspective to all Governments and to the governing bodies of the organs and organizations of the United Nations system as a broad framework to guide national action and international cooperation on policies and programmes aimed at achieving environmentally sound and sustainable development.

ANNEX

Environmental Perspective to the Year 2000 and Beyond

...

C. *Legislation and environmental law*

100. Increasingly, environmental legislation has been providing practical frameworks at the national level for implementing environmental standards and regulating the activities of enterprises and people in the light of environmental objectives. At the international level, conventions, protocols and agreements have been providing a basis for co-operation among countries at bilateral, regional and global levels for the management of environmental risks, control of pollution and conservation of natural resources.

101. There is a need to expand the number of accessions to and ratifications of these conventions and to institute mechanisms at the national level to ensure their application. The present momentum should be maintained of concluding conventions on questions such as hazards relating to chemicals, treatment and international transport of hazardous wastes, industrial accidents, climate change, protection of the ozone layer, protection of the marine environment from pollution from land-based sources and protection of biological diversity, in which the United Nations Environment Programme has been playing an active part.

102. Groundwork has been prepared over the last 15 years under the aegis of the United Nations Environment Programme to establish legal frameworks to manage regional seas. Governments should intensify their efforts to implement legislative measures and other policies at national levels so that the policy sources of the environmental problems of the regional seas are effectively tackled. Increasingly, environmental management of rivers, lakes and forests has been posing a challenge to international co-operation. Governments, with the collaboration of the Programme and concerned international organizations, should accelerate action to establish legal régimes at international and national levels to improve significantly the environmental management of rivers, lakes and forests. The new programme for environmental management of freshwater systems, sponsored by the United Nations Environment Programme, is a promising start.

103. The Montevideo Programme for the Development and Periodic Review of Environmental Law,¹¹² prepared under the auspices of the United Nations Environment Programme, should be implemented fully. Development of international environmental law should continue, with a view to providing a strong basis for fostering co-operation among countries. The progressive emergence of general environmental norms and principles and the codification of existing agreements could lead to a global convention on protection and enhancement of the environment.

104. Governments should settle their environmental disputes by peaceful means, making use of existing and emerging agreements and conventions. The International Court of Justice, the International Court of Arbitration and regional mechanisms should facilitate peaceful settlement of environmental disputes.

...

And by its resolution 42/187 of 11 December 1987,¹¹³ adopted on the recommendation of the Second Committee,¹¹⁴ the General Assembly welcomed the report of the World Commission on Environment and Development entitled "Our Common Future",¹¹⁵ and concurred with the Commission that the critical objectives for environment and development policies which followed from the need for sustainable development must include preserving peace, reviving growth and changing its quality, remedying the problems of poverty and satisfying human needs, addressing the problems of population growth and of conserving and enhancing the resource base, reorienting technology and managing risk, and merging environment and economics in decision-making. By the same resolution, the General Assembly decided to transmit the report of the Commission to all Governments and to the governing bodies of the organs, organizations and programmes of the United Nations system, and invited them to take account of the analysis and recommendations contained in the report in determining their policies and programmes; and requested the Secretary-General, through the appropriate existing mechanisms, to review and coordinate on a regular basis the efforts of all the organs, organizations and bodies of the United Nations system to pursue sustainable development, and to report thereon to the General Assembly through the Governing Council of the United Nations Environment Programme and the Economic and Social Council.

(b) International code of conduct on the transfer of technology

By its resolution 42/172 of 11 December 1987,¹¹⁶ adopted on the recommendation of the Second Committee,¹¹⁷ the General Assembly took note of the report of the Secretary-General of the United Nations Conference on Trade and Development on the consultations held in 1987 relating to the negotiations on an international code of conduct on the transfer of technology,¹¹⁸ noted that the consultations could not be finalized in 1987, and invited the Secretary-General of the Conference on Trade and Development and the President of the United Nations Conference on an International Code of Conduct on the Transfer of Technology to complete their consultations with regional groups and interested Governments with a view to identifying appropriate solutions to the issues outstanding in the draft code of conduct.

(c) Office of the United Nations High Commissioner
for Refugees¹¹⁹

During the reporting period, there were no emergency situations involving refugees, and new refugee influxes were generally offset by organized or spontaneous repatriation, principally in Africa and, to a limited extent, in Latin America and Asia. The Office of the United Nations High Commissioner for Refugees, in dealing with these problems, adopted an approach that combined effective emer-

gency response, the prompt establishment of basic services and early action to establish income-generating activities, while efforts continued to promote repatriation, local integration and resettlement as appropriate.

The reporting period was also characterized by a growing number of States introducing, or further reinforcing, measures aimed at restricting the entry of asylum-seekers and refugees, partly as a result of the irregular movements of some asylum-seekers and refugees.

Foremost among the principles of refugee protection is that of *non-refoulement*, and the vast majority of States continued to adhere scrupulously to the principle, though with some notable exceptions. Unjustified detention of refugees and asylum-seekers continued to occur during the reporting period. Basic rights to life, liberty and freedom of refugees, including physical safety and security, were violated in a number of instances. Furthermore, there were numerous cases in different parts of the world where refugee women and girls were subjected to rape and sexual abuse.

With the accession of Papua New Guinea and Venezuela and the succession of Tuvalu, the number of States parties to the 1951 United Nations Convention relating to the Status of Refugees¹²⁰ and/or its Protocol of 1967¹²¹ rose to 101 during the reporting period.

Formal procedures for the determination of refugee status are necessary if refugees are to benefit from the treatment in relevant international instruments, and during the reporting period more States adopted procedures of this kind, bringing to almost 50 the number in which such formal procedures now exist.

The Office of the High Commissioner continued its action at advancing and consolidating the acceptance by States of refugee law. Apart from its traditional cooperation with other United Nations bodies and regional intergovernmental organizations, UNHCR undertook special efforts to ensure the promotion and dissemination of refugee principles worldwide, basically, through (a) emergency management training courses devoted to refugee law and protection, held at headquarters and in the field, and (b) externally oriented seminars organized for the benefit of government officials and officials of non-governmental organizations.

At the thirty-eighth session of the Executive Committee of the Programme of the United Nations High Commissioner for Refugees, held at Geneva from 5 to 12 October 1987, the Committee reiterated the High Commissioner's leading role in respect of the protection of refugees and called upon him in particular to continue to take, alone or in cooperation with concerned States and agencies, all possible measures to ensure their physical security; called upon States that had adopted a number of measures at discouraging the abusive use of asylum procedures to ensure that those measures had no detrimental effect on the fundamental principles of international protection; reiterated the importance of promoting a wider knowledge and understanding of refugee law and noted with satisfaction the efforts of the Office of the High Commissioner in that regard; welcomed the further accessions by States to the 1951 Convention and the 1967 Protocol relating to the Status of Refugees, and requested the High Commissioner to continue his efforts to promote accessions to those and other relevant instruments, in particular, by States confronted with large-scale refugee problems; and further welcomed the recent adoption by a number of States of national administrative and legislative measures to implement effectively the provisions of the international refugee instruments.

By its resolution 42/108 of 7 December 1987,¹²² adopted on the recommendation of the Third Committee,¹²³ the General Assembly, recalling its resolution 37/196 of 18 December 1982, in which it had decided to review, not later than at its forty-second session, the arrangements for the Office of the United Nations High Commissioner for Refugees with a view to determining whether the Office should be continued beyond 31 December 1988, and recognizing the need for concerted international action on behalf of the increasing numbers of refugees and displaced persons of concern to the High Commissioner, decided to continue the Office of the United Nations High Commissioner for Refugees for a further period of five years from 1 January 1989, and further decided to review, not later than at its forty-seventh session, the arrangements for the Office of the United Nations High Commissioner for Refugees with a view to determining whether the Office should be continued beyond 31 December 1993. By its resolution 42/109 of 7 December 1987,¹²⁴ adopted on the recommendation of the Third Committee,¹²⁵ the General Assembly, noting the efforts of the High Commissioner for Refugees to continue to address the special problems and needs of refugees and displaced women and children, who in many cases are exposed to a variety of difficult situations affecting their physical and legal protection as well as their psychological and material well-being, strongly reaffirmed the fundamental nature of the function of the United Nations High Commissioner for Refugees to provide international protection and the need for Governments to cooperate fully with his Office in order to facilitate the effective exercise of this function, in particular by acceding to and implementing the relevant international and regional refugee instruments and by scrupulously observing the principles of asylum and *non-refoulement*, and urged all States to support the High Commissioner in his efforts to achieve durable solutions to the problem of refugees and displaced persons of concern to his Office, primarily through voluntary repatriation or return, including assistance to returnees as appropriate or, wherever appropriate, through integration into countries of asylum or through resettlement in third countries. And by its resolution 42/130 of 7 December 1987,¹²⁶ adopted on the recommendation of the Third Committee,¹²⁷ the General Assembly, taking note of Economic and Social Council resolution 1987/89 of 9 July 1987 on the enlargement of the Executive Committee of the Programme of the United Nations High Commissioner for Refugees, decided to increase the membership of the Executive Committee of the Programme of the United Nations High Commissioner for Refugees from 41 to 43, and requested the Economic and Social Council to elect the two additional members at its first regular session of 1988.

(d) International drug control

In the course of 1987, four more States became parties to the 1961 Single Convention on Narcotic Drugs;¹²⁸ three more States became parties to the 1971 Convention on Psychotropic Substances;¹²⁹ three more States became parties to the 1972 Protocol Amending the Single Convention on Narcotic Drugs, 1961;¹³⁰ and four more States became parties to the Single Convention on Narcotic Drugs, 1961, as amended by the Protocol of 25 March 1972 amending the Single Convention on Narcotic Drugs, 1961.¹³¹

By its resolution 42/111 of 7 December 1987,¹³² adopted on the recommendation of the Third Committee,¹³³ the General Assembly underlined the importance of

the appeal made in paragraph 3 of the Declaration of the International Conference on Drug Abuse and Illicit Trafficking,¹³⁴ in which the Conference called for the urgent but careful preparation and finalization, taking into account the various aspects of illicit trafficking, of the draft convention against illicit traffic in narcotic drugs and psychotropic substances to ensure its entry into force at the earliest possible date as a complement to existing international instruments, and requested the Commission on Narcotic Drugs, through the Economic and Social Council, to consider and, if possible, approve at its tenth special session the draft convention against illicit traffic in narcotic drugs and psychotropic substances.

By its resolution 42/112 of the same date,¹³⁵ also adopted on the recommendation of the Third Committee,¹³⁶ the General Assembly took note of the report of the International Conference on Drug Abuse and Illicit Trafficking,¹³⁷ and welcomed the successful conclusion of the Conference, in particular the adoption of the Declaration¹³⁴ and the Comprehensive Multidisciplinary Outline of Future Activities in Drug Abuse Control;¹³⁸ and urged Governments and organizations, in formulating programmes, to take due account of the framework provided by the Comprehensive Multidisciplinary Outline as a repertory of recommendations setting forth practical measures that could contribute to the fight against drug abuse and illicit trafficking.

Furthermore, by its resolution 42/113 of the same date,¹³⁹ adopted on the recommendation of the Third Committee,¹⁴⁰ the General Assembly condemned unequivocally once again drug trafficking in all its forms — illicit production, processing, marketing and consumption — as a criminal activity, and requested all States to pledge their political will in a concerted and universal struggle to achieve its complete and final elimination; urged States to acknowledge that they shared responsibility for combating the problem of illicit consumption, production, transit and trafficking and therefore to encourage international co-operation in the struggle to eliminate illicit production and trafficking and the abuse of drugs and psychotropic substances, in accordance with the relevant international and national norms; acknowledged the constant and determined efforts of Governments at the national, regional and international levels to cope with the increase in drug abuse and illicit drug trafficking and its increasingly close links with other forms of organized international criminal activities; and called upon the Governments of countries facing problems of drug abuse, particularly those most seriously affected, as part of their national strategy, to take the necessary measures to reduce significantly the illicit demand for drugs and psychotropic substances.

(e) Human rights questions

(1) *Status and implementation of international instruments*

(i) *International Covenants on Human Rights*¹⁴¹

In 1987, two more States became parties to the International Covenant on Economic, Social and Cultural Rights;¹⁴² two more States became parties to the International Covenant on Civil and Political Rights;¹⁴³ and two more States became parties to the Optional Protocol to the International Covenant on Civil and Political Rights.¹⁴⁴

By its resolution 42/103 of 7 December 1987,¹⁴⁵ adopted on the recommendation of the Third Committee,¹⁴⁶ the General Assembly took note with appreciation of the report of the Human Rights Committee on its twenty-ninth and thirtieth sessions;¹⁴⁷ again urged all States that had not yet done so to become parties to the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights, and to consider acceding to the Optional Protocol to the International Covenant on Civil and Political Rights; invited the States parties to the International Covenant on Civil and Political Rights to consider making the declaration provided for in article 41 of the Covenant; stressed the importance of avoiding the erosion of human rights by derogation, and underlined the necessity of strict observance of the agreed conditions and procedures for derogation under article 4 of the International Covenant on Civil and Political Rights; and appealed to States parties to review whether any reservation made in respect of the provisions of the International Covenants on Human Rights should be upheld.

By its resolution 42/102 of the same date,¹⁴⁸ adopted also on the recommendation of the Third Committee,¹⁴⁹ the General Assembly, reaffirming the provisions of its resolution 32/130 of 16 December 1977 that all human rights and fundamental freedoms were indivisible and interdependent and that the promotion and protection of one category of rights could never exempt or excuse States from the promotion and protection of the other rights, recognizing the fundamental rights of every people to exercise full sovereignty over its natural wealth and resources, and further recognizing that the realization of the right to development might help to promote the enjoyment of all human rights and fundamental freedoms, appealed to all States to pursue policies directed towards the implementation, promotion and protection of economic, social, cultural, civil and political rights recognized in the International Covenants on Human Rights and other international instruments.

And by its resolution 42/105 of the same date,¹⁵⁰ adopted on the recommendation of the Third Committee,¹⁵¹ the General Assembly urged States parties to United Nations instruments on human rights with reports overdue to make every effort to present their reports as soon as possible and to take advantage of opportunities whereby such reports could be consolidated; invited States parties to United Nations instruments on human rights to review the processes followed in the preparation of their periodic reports with a view to ensuring compliance with relevant guidelines, improving the quality of description and analysis and limiting reports to a reasonable length; and requested the Secretary-General to revise, as a matter of priority and in consultation with the treaty bodies, the draft compilation of general guidelines elaborated by the various supervisory bodies and the list of articles dealing with related rights under the United Nations instruments on human rights, and to include in the guidelines, where appropriate, the general comments of the supervisory bodies in order to assist States parties in compiling reports.

(ii) *Convention on the Elimination of All Forms of Discrimination against Women*¹⁵²

In 1987, three more States became parties to the Convention on the Elimination of All Forms of Discrimination against Women.

By its resolution 42/60 of 30 November 1987,¹⁵³ adopted on the recommendation of the Third Committee,¹⁵⁴ the General Assembly, bearing in mind that one of the purposes of the United Nations, as stated in Articles 1 and 55 of the Charter of the United Nations, is to promote universal respect for human rights and fundamental freedoms for all without distinction of any kind, including distinction as to sex, urged all States that had not yet ratified or acceded to the Convention to do so as soon as possible, and urged States parties to make all possible efforts to submit their initial reports on the implementation of the Convention in accordance with article 18 thereof and within the guidelines of the Committee. The Assembly also noted with concern the account by the Committee on the Elimination of Discrimination against Women of the current constraints within which it operated with regard to the backlog of reports awaiting consideration and encouraged the Committee to intensify its discussion on ways and means of dealing with the problem, including possible adjustment of the reporting system, and to formulate in an appropriate way suggestions to that effect for consideration by the Economic and Social Council and by the General Assembly at its forty-third session.

(iii) *Convention on the Prevention and Punishment of the Crime of Genocide*¹⁵⁵

In 1987, one more State became party to the Convention on the Prevention and Punishment of the Crime of Genocide.

By its resolution 42/133 of 7 December 1987,¹⁵⁶ adopted on the recommendation of the Third Committee,¹⁵⁷ the General Assembly, reaffirming once again its conviction that genocide was a crime under international law, contrary to the spirit and aims of the United Nations, noted with satisfaction that many States had ratified the Convention on the Prevention and Punishment of the Crime of Genocide or had acceded thereto, and urged those States which had not yet become parties to the Convention to ratify it or accede thereto without further delay.

(iv) *Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment*¹⁵⁸

During the course of 1987, thirteen more States became parties to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

By its resolution 42/123 of 7 December 1987,¹⁵⁹ adopted on the recommendation of the Third Committee,¹⁶⁰ the General Assembly welcomed with deep satisfaction the entry into force on 26 June 1987 of the Convention as a major step in international efforts to promote universal respect for and observance of human rights and fundamental freedoms, and recognized the need for the Committee against Torture to give early attention to the development of an effective reporting system on implementation by States parties to the Convention, taking due account of the draft guidelines of the Secretary-General on reporting and the activities of the Human Rights Committee, as well as of the other human rights treaty bodies, established under the relevant international instruments in the field of human rights.

(v) *International Convention on the Suppression and Punishment of the Crime of Apartheid*¹⁶¹

In 1987, one more State became party to the International Convention on the Suppression and Punishment of the Crime of Apartheid.

By its resolution 42/56 of 30 November 1987,¹⁶² adopted on the recommendation of the Third Committee,¹⁶³ the General Assembly appealed once again to the States that had not yet done so to ratify or to accede to the Convention without further delay, in particular those States which had jurisdiction over transnational corporations operating in South Africa and Namibia and without whose cooperation such operations could not be halted, and drew the attention of all States to the opinion expressed by the Group of Three of the Commission on Human Rights in its report¹⁶⁴ that transnational corporations operating in South Africa and Namibia must be considered accomplices in the crime of apartheid, in accordance with article III (b) of the Convention. Furthermore, the Assembly requested the Commission on Human Rights to intensify, in cooperation 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 those against whom or which legal proceedings had been undertaken.

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

By its resolution 42/101 of 7 December 1987,¹⁶⁵ adopted on the recommendation of the Third Committee,¹⁶⁶ the General Assembly, convinced of the positive contribution which an international convention on the rights of the child, as a standard-setting accomplishment of the United Nations in the field of human rights, would make to protecting children's rights and ensuring their well-being, requested the Commission on Human Rights to give the highest priority to, and to make every effort at its sessions in 1988 and in 1989 to complete, a draft convention on the rights of the child and to submit it, through the Economic and Social Council, to the General Assembly at its forty-fourth session.

(3) *Report of the Committee on the Elimination of Racial Discrimination*

In its resolution 42/57 of 30 November 1987,¹⁶⁷ adopted on the recommendation of the Third Committee,¹⁶⁸ the General Assembly expressed its profound concern at the fact that a number of States parties to the International Convention on the Elimination of All Forms of Racial Discrimination¹⁶⁹ had not fulfilled their financial obligations under the Convention, which had led to the cancellation of the August 1986 session and the curtailment by two weeks of the August 1987 session of the Committee on the Elimination of Racial Discrimination, and expressed once again its concern that such a situation prevented the Committee from submitting an annual report to the General Assembly at its forty-first session as required by the Convention and had led to further delay in discharging its substantive obligations under the Convention. The Assembly called upon States parties to fulfil their obligations under article 9, paragraph 1, of the Convention and to submit in due time their periodic reports on measures taken to implement the Convention, and strongly appealed to all States parties to fulfil without delay their financial obligations under article 8, paragraph 6, of the Convention so as to enable the Committee to continue its work.

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

By its resolution 42/97 of 7 December 1987,¹⁷⁰ adopted on the recommendation of the Third Committee,¹⁷¹ the General Assembly, seriously concerned that intolerance and discrimination on the grounds of religion or belief continued to exist in many parts of the world, and believing that further efforts were therefore required to promote and protect the right to freedom of thought, conscience, religion and belief and to eliminate all forms of intolerance and discrimination based on religion or belief, urged States, in accordance with their respective and constitutional systems and with such internationally accepted instruments as the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights and the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief¹⁷² to provide, where they had not already done so, adequate constitutional and legal guarantees of freedom of thought, conscience, religion and belief, including the provision of effective remedies where there was intolerance or discrimination based on religion or belief, and stressed, in that connection, the value of the work in progress in the Commission on Human Rights on the preparation of a compendium of national legislation and regulations on the question of freedom of religion or belief and invited States to provide the necessary information to the Secretary-General, with particular regard to the measures taken to combat intolerance or discrimination in that field.

(5) *Summary or arbitrary executions*

By its resolution 42/141 of 7 December 1987,¹⁷³ adopted on the recommendation of the Third Committee,¹⁷⁴ the General Assembly, convinced of the need for appropriate action to combat and eventually eliminate the abhorrent practice of summary or arbitrary executions, which represented a flagrant violation of the most fundamental human right, the right to life, once again strongly condemned the large number of summary or arbitrary executions, including extra-legal executions, that continued to take place in various parts of the world, and urged all Governments and all others concerned to co-operate with and assist the Special Rapporteur of the Commission on Human Rights in order that he might carry out his mandate effectively. The Assembly furthermore endorsed the recommendation of the Special Rapporteur on the need to develop international standards designed to ensure effective legislation and other domestic measures so that proper investigations would be conducted by appropriate authorities into all cases of suspicious death, including provisions for adequate autopsy.

(6) *Human rights and mass exoduses*

By its resolution 42/144 of 7 December 1987,¹⁷⁵ adopted on the recommendation of the Third Committee,¹⁷⁶ the General Assembly, welcoming the steps taken by the Secretary-General to establish an early warning system, as mentioned in his report on the work of the Organization¹⁷⁷ submitted to the General Assembly at its forty-first session, recalled the recommendation of the Group of Governmental Experts on International Cooperation to Avert New Flows of Refugees that the principal organs of the United Nations should make fuller use of their respective competencies under the Charter for the prevention of new massive flows of refugees and displaced persons; invited all Governments and internation-

al organizations concerned to intensify their cooperation and assistance in world-wide efforts to address the serious problems resulting from mass exoduses of refugees and displaced persons, and also the causes of such exoduses; and requested all Governments to ensure the effective implementation of the relevant international instruments, in particular in the field of human rights, as that would contribute to averting new massive flows of refugees and displaced persons.

(7) *Universal realization of the right of peoples to self-determination*

By its resolution 42/94 of 7 December 1987,¹⁷⁸ adopted on the recommendation of the Third Committee,¹⁷⁹ the General Assembly reaffirmed that the universal realization of the right of all peoples, including those under colonial, foreign and alien domination, to self-determination was a fundamental condition for the effective guarantee and observance of human rights and for the preservation and promotion of such rights, and requested the Commission on Human Rights to continue to give special attention to the violation of human rights, especially the right to self-determination, resulting from foreign military intervention, aggression or occupation. And by its resolution 42/95 of the same date,¹⁸⁰ adopted on the recommendation of the Third Committee,¹⁸¹ the General Assembly called upon all States to implement fully and faithfully all the resolutions of the United Nations regarding the exercise of the right to self-determination and independence by peoples under colonial and foreign domination; reaffirmed the legitimacy of the struggle of peoples for their independence, territorial integrity, national unity and liberation from colonial domination, apartheid and foreign occupation by all available means, including armed struggle; and strongly condemned those Governments that did not recognize the right to self-determination and independence of all peoples still under colonial domination and alien subjugation, notably the peoples of Africa and the Palestinian peoples. Moreover, by its resolution 42/96, also of the same date,¹⁸² and also adopted on the recommendation of the Third Committee,¹⁸³ the General Assembly, reaffirming the legitimacy of the struggle of peoples and their liberation movements for their independence, territorial integrity, national unity and liberation from colonial domination, apartheid and foreign intervention and occupation, and that their legitimate struggle could in no way be considered as or equated to mercenary activity, recognizing that mercenarism was a threat to international peace and security, and recognizing also that the activities of mercenaries were contrary to fundamental principles of international law, such as non-interference in the internal affairs of States, territorial integrity and independence, and seriously impeded the process of self-determination of peoples struggling against colonialism, racism and apartheid and all forms of foreign domination, called upon all States to exercise the utmost vigilance against the menace posed by the activities of mercenaries and to ensure, by both administrative and legislative measures, that the territory of those States and other territories under their control, as well as their nationals, were not used for the recruitment, assembly, financing, training and transit of mercenaries, or the planning of such activities designed to destabilize or overthrow the Government of any State and to fight the national liberation movements struggling against racism, apartheid, colonial domination and foreign intervention and occupation for their independence, territorial integrity and national unity; and urged all States to take the necessary measures under their respective domestic laws to prohibit the recruitment, financing, training and transit of mercenaries on their territory.

(8) *Right to development*

By its resolution 42/117 of 7 December 1987,¹⁸⁴ adopted on the recommendation of the Third Committee,¹⁸⁵ the General Assembly, reiterating the importance of the right to development for all countries, in particular the developing countries, called upon the Commission on Human Rights to consider at its forty-fourth session the report, recommendations and suggestions of its Working Group of Governmental Experts on the Right to Development, as well as all other relevant materials, including the analytical compilation by the Secretary-General of the replies received on the implementation of the Declaration on the Right to Development,¹⁸⁶ with a view to deciding on practical measures to implement the Declaration, including specific proposals concerning future work.

(9) *Human rights and scientific and technological developments*

By its resolution 42/98 of 7 December 1987,¹⁸⁷ adopted on the recommendation of the Third Committee,¹⁸⁸ the General Assembly, reaffirming its conviction that detention of persons in mental institutions on account of their political views or on other non-medical grounds was a violation of their human rights, again urged the Commission on Human Rights and, through it, the Subcommission on Prevention of Discrimination and Protection of Minorities to expedite their consideration of the draft body of guidelines, principles and guarantees of the protection of those detained on the grounds of mental ill-health, so that the Commission could submit its views and recommendations, including a draft body of guidelines, principles and guarantees, to the General Assembly at its forty-fourth session, through the Economic and Social Council. And by its resolution 42/99 of the same date,¹⁸⁹ adopted on the recommendation of the Third Committee,¹⁹⁰ the General Assembly stressed once again the urgent need for the international community to make every effort to strengthen peace, remove the growing threat of war, particularly nuclear war, halt the arms race and achieve general and complete disarmament under effective international control and prevent violations of the principles of the Charter of the United Nations regarding the sovereignty and territorial integrity of States and the self-determination of peoples, thus contributing to ensuring the right to life, and called upon all States, appropriate United Nations bodies, the specialized agencies and intergovernmental and non-governmental organizations concerned to take the necessary measures to ensure that the results of scientific and technological progress, the material and intellectual potential of mankind, were used to solve global problems exclusively in the interests of international peace, for the benefit of mankind and for promoting and encouraging universal respect for human rights and fundamental freedoms. Furthermore, by resolution 42/100 also of the same date,¹⁹¹ adopted on the recommendation of the Third Committee,¹⁹² the General Assembly stressed the importance of the implementation by all States of the provisions and principles contained in the Declaration on the Use of Scientific and Technological Progress in the Interests of Peace and for the Benefit of Mankind¹⁹³ in order to promote human rights and fundamental freedoms, and called upon all States to make every effort to use the achievements of science and technology in order to promote peaceful social, economic and cultural development and progress and to put an end to the use of those achievements for military purposes.

(10) *Realization of the right to adequate housing*

By its resolution 42/146 of 7 December 1987,¹⁹⁴ adopted on the recommendation of the Third Committee,¹⁹⁵ the General Assembly, bearing in mind that the Universal Declaration of Human Rights and the International Covenant on Economic, Social and Cultural Rights provided that all persons had the right to an adequate standard of living for themselves and their families, including adequate housing, and that States should take appropriate steps to ensure the realization of that right, called upon all States and international organizations concerned to pay special attention to the realization of the right to adequate housing in carrying out measures to develop national shelter strategies and settlement improvement programmes within the framework of the global strategy for shelter to the year 2000.

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

In its resolution 42/140 of 7 December 1987,¹⁹⁶ adopted on the recommendation of the Third Committee,¹⁹⁷ the General Assembly, reiterating that, in spite of the existence of an already established body of principles and standards, there was a need to make further efforts to improve the situation and ensure the human rights and dignity of all migrant workers and their families, took note with satisfaction of the two most recent reports of the Working Group on the Drafting of an International Convention on the Protection of the Rights of All Migrant Workers and Their Families¹⁹⁸ and, in particular, of the progress made by the Working Group on the drafting, in second reading, of the draft convention.

(12) *Respect for the right of everyone to own property alone as well as in association with others and its contribution to the economic and social development of member States*

By its resolution 42/114 of 7 December 1987,¹⁹⁹ adopted on the recommendation of the Third Committee,²⁰⁰ the General Assembly recalled that, in its resolution 41/132 of 4 December 1986, it had requested the Secretary-General to prepare a report to be submitted to the Assembly at its forty-third session that would take into account the views of Member States, specialized agencies and other competent bodies of the United Nations system, within existing resources, on (a) the relationship between the full enjoyment by individuals of human rights and fundamental freedoms, in particular the right of everyone to own property alone as well as in association with others, as set forth in article 17 of the Universal Declaration of Human Rights, and the economic and social development of member States and (b) the role of the right of everyone to own property alone as well as in association with others, as set forth in article 17 of the Universal Declaration of Human Rights, in ensuring the full and free participation of individuals in the economic and social systems of States; took note of the preliminary, oral report on the question made by the Under-Secretary-General for Human Rights; and appealed to Member States, on the basis of their national experience, and to specialized agencies and other competent bodies of the United Nations system to respond as constructively and as factually as possible to the invitation in its resolution 41/132 to communicate to the Secretary-General their views on the subject of his report.

(13) *The impact of property on the enjoyment of human rights and fundamental freedoms*

By its resolution 42/115 of 7 December 1987,²⁰¹ adopted on the recommendation of the Third Committee,²⁰² the General Assembly recognized that there existed in Member States many forms of legal property ownership, including private, communal and State forms, each of which should contribute to ensuring the effective development and utilization of human resources through the establishment of sound bases for political, economic and social justice; called upon States to ensure that their national legislation with regard to all forms of property should preclude any impairment of the enjoyment of human rights and fundamental freedoms, without prejudice to their right freely to choose and develop their political, social, economic and cultural systems; and vigorously condemned the transnational corporations that maintained or were increasing their collaboration with the racist regime of South Africa, thus encouraging that regime to persist in its inhuman and criminal policy of brutal oppression of the peoples of southern Africa and denial of their human rights and becoming accomplices in the inhuman practices of racial discrimination, colonialism and apartheid.

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

By its resolution 42/119 of 7 December 1987,²⁰³ adopted on the recommendation of the Third Committee,²⁰⁴ the General Assembly, reaffirming the importance of furthering the activities of the organs of the United Nations in the field of human rights in conformity with the principles of the Charter of the United Nations, reiterated its request that the Commission on Human Rights continue its current work on overall analysis with a view to further promoting and strengthening human rights and fundamental freedoms, including the question of the programme and working methods of the Commission, and on the overall analysis of the alternative approaches and ways and means for improving the effective enjoyment of human rights and fundamental freedoms, in accordance with the provisions and concepts of General Assembly resolution 32/130 of 16 December 1977 and other relevant texts, and affirmed its profound conviction that equal attention and urgent consideration should be given to the implementation, promotion and protection of civil and political rights and of economic, social and cultural rights.

(15) *National institutions for the protection and promotion of human rights*

By its resolution 42/116 of 7 December 1987,²⁰⁵ adopted on the recommendation of the Third Committee,²⁰⁶ the General Assembly reaffirmed the importance of developing, in accordance with national legislation, effective national institutions for the protection and promotion of human rights and of maintaining their independence and integrity, and encouraged Member States to establish or, where they already existed, to strengthen national institutions for the protection and promotion of human rights and to incorporate those elements in national development plans.

(16) *New international humanitarian order*

By its resolution 42/120 of 7 December 1987,²⁰⁷ adopted on the recommendation of the Third Committee,²⁰⁸ the General Assembly, noting the efforts of the Independent Commission on International Humanitarian Issues to promote public awareness of humanitarian issues, analyse relatively neglected aspects and identify alternative approaches for resolving humanitarian problems, and taking note of the report of the Independent Commission, as well as the sectoral reports on specific humanitarian issues, drew the attention of Governments and intergovernmental organizations, including those functioning at the regional level, to the report of the Independent Commission; requested the Independent Commission to transmit its report to Member States and to the executive heads of specialized agencies and programmes of the United Nations system in order to enable them to consider its analyses and conclusions; and invited all non-governmental organizations concerned with the humanitarian issues examined by the Independent Commission to bear in mind the recommendations and suggestions and actions in the field. Furthermore, by its decision 42/444 of 11 December 1987,²⁰⁹ entitled "New international human order: moral aspects of development", the General Assembly, at its 96th plenary meeting, on 11 December 1987, took note of the report of the Second Committee on the question.

(17) *Fortieth anniversary of the Universal Declaration of Human Rights*

By its resolution 42/131 of 7 December 1987,²¹⁰ adopted on the recommendation of the Third Committee,²¹¹ the General Assembly, recalling that in its resolution 41/150 of 4 December 1986 it had decided to celebrate in 1988 the fortieth anniversary of the Universal Declaration of Human Rights, resolved that the celebration in 1988 of the fortieth anniversary of the Universal Declaration of Human Rights should be used as an occasion to highlight the achievements of the United Nations in its efforts to promote and protect human rights universally, to renew the commitment of the Organization in that area and to encourage Member States to ensure the promotion and protection of the rights enshrined in the Declaration; once again invited Member States, the specialized agencies, regional intergovernmental organizations and non-governmental organizations to take appropriate measures, such as those set forth in the annex to resolution 41/150, and to support appropriate activities aimed at encouraging the promotion of the universal observance and enjoyment of civil and political rights, as well as economic, social and cultural rights; and urged the Secretary-General to carry out the activities indicated in the annex to resolution 41/150 in order to assure the success of the activities commemorating the fortieth anniversary of the Declaration.

(18) *International Literacy Year*

Moreover, by its resolution 42/104 of 7 December 1987,²¹² adopted on the recommendation of the Third Committee,²¹³ the General Assembly, recalling that in the Universal Declaration of Human Rights and the International Covenant on Economic, Social and Cultural Rights the inalienable right of everyone to education was recognized, proclaimed 1990 as International Literacy Year.

(f) Crime prevention and criminal justice

By its resolution 42/59 of 30 November 1987,²¹⁴ adopted on the recommendation of the Third Committee,²¹⁵ the General Assembly, recognizing the crucial functions of the Committee on Crime Prevention and Control in developing practical crime prevention and criminal justice policies and strategies as a standing expert body of the Economic and Social Council and as a preparatory body for the quinquennial United Nations congresses on the prevention of crime and the treatment of offenders, reaffirming that the quinquennial congresses on the prevention of crime and the treatment of offenders were of fundamental importance to progress in the field of crime prevention and criminal justice and provided unique opportunities for focusing on specific priority problems, as well as for assessing general trends and sharing perspectives, establishing norms and standards and evaluating their implementation, monitoring the results of the United Nations programmes of work as a whole and setting priorities for action in the following quinquennium, and recognizing the pivotal role of the United Nations, through its programme activities and congresses on the prevention of crime and the treatment of offenders, in promoting the exchange of expertise and experience and closer international cooperation in that field, urged Member States and the Secretary-General to make every effort to translate into action, as appropriate, the respective recommendations, policies and conclusions stemming from the Milan Plan of Action and other relevant resolutions and recommendations adopted unanimously by the Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders²¹⁶ and to accord priority attention to the forms of crime identified in the Milan Plan of Action through strengthening international cooperation. Furthermore, the Assembly endorsed the recommendations related to the preparation of the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, to be held in 1990.

(g) Human rights in the administration of justice

In its resolution 42/143 of 7 December 1987,²¹⁷ adopted on the recommendation of the Third Committee,²¹⁸ the General Assembly, calling attention to the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power²¹⁹ and the safeguards guaranteeing protection of the rights of those facing the death penalty, approved by the Economic and Social Council in its resolution 1984/50 of 25 May 1984 and endorsed by the Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders,²²⁰ as well as to the Basic Principles on the Independence of the Judiciary,²²¹ the Code of Conduct for Law Enforcement Officials²²² and the Standard Minimum Rules for the Treatment of Prisoners,²²³ urged member States to spare no effort in providing for effective legislative and other mechanisms and procedures and adequate resources to ensure more effective implementation of existing international standards relating to human rights in the administration of justice.

(h) Return or restitution of cultural property to the countries of origin

By its resolution 42/7 of 22 October 1987,²²⁴ the General Assembly recommended that Member States adopt or strengthen the necessary protective legislation

with regard to their own heritage and that of other peoples; invited Member States to continue drawing up, in cooperation with the United Nations Educational, Scientific and Cultural Organization, systematic inventories of cultural property existing in their territory and of their cultural property abroad; also invited Member States engaged in seeking the recovery of cultural and artistic treasures from the seabed, in accordance with international law, to facilitate by mutually acceptable conditions the participation of States having a historical and cultural link with those treasures; appealed to Member States to cooperate closely with the Intergovernmental Committee for Promoting the Return of Cultural Property to its Countries of Origin or its Restitution in Case of Illicit Appropriation and to conclude bilateral agreements for that purpose; requested States parties to the Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property²²⁵ to keep the Secretary-General of the United Nations and the Director-General of UNESCO fully informed of the measures taken to ensure implementation of the Convention at the national level; and invited once again those Member States that had not yet done so to sign and ratify the Convention.

4. LAW OF THE SEA

*Status of the United Nations Convention on the Law of the Sea*²²⁶

As of 31 December 1987, 159 States had signed and 35 States and the United Nations Council for Namibia had ratified the United Nations Convention on the Law of the Sea.

*Preparatory Commission for the International Seabed Authority and the International Tribunal for the Law of the Sea*²²⁷

The Preparatory Commission met twice during 1987. It held its fifth session at Kingston, Jamaica, from 30 March to 16 April 1987, and a meeting in New York from 27 July to 21 August 1987.

During the course of the year, the Preparatory Commission registered India as the first pioneer investor in the international seabed area, and in accordance with resolution II of the Third United Nations Conference on the Law of the Sea, India was allocated an area of 150,000 square kilometres in the south-central Indian Ocean basin. It was the general opinion that the registration of India as a pioneer investor represented a milestone in the evolution of the law of the sea. It was also the general view that the event not only marked the beginning of the implementation of the pioneer system established under resolution II, but in fact gave concrete meaning to the principle of the common heritage of mankind embodied in the 1982 United Nations Convention on the Law of the Sea.

The plenary of the Commission completed the first reading of the draft rules of procedure for the Economic Planning Commission, and the second reading of the revised rules of procedure of the Council.

The four Special Commissions of the Preparatory Commission considered the substantive work allocated to them. Special Commission 1, which is undertaking

studies on the problems that would be encountered by the developing land-based producer States likely to be most seriously affected by seabed mineral production, continued its discussion on possible remedial measures for such developing land-based producer States. In meetings of Special Commission 2, which is charged with preparing for the establishment of the Enterprise, the operational arm of the Authority, as well as taking necessary measures to enable the Enterprise to keep pace with States and other entities that also will be engaged in deep seabed mining, discussions were held on the questions of the training to be provided for the personnel of the Enterprise and the administrative structure of the Enterprise. Special Commission 3, involved in the preparation of the rules, regulations and procedures for the exploration and exploitation of the deep seabed, began a detailed consideration of draft articles concerning the financial terms of a mining contract. Special Commission 4, which is preparing for the establishment of the International Tribunal for the Law of the Sea, completed its second round of discussions on the draft rules of the Tribunal, with the exception of the issue concerning the procedures for the prompt release of vessels and crews. The Commission also considered the requirements for a headquarters agreement between the Tribunal and the host country.

The report of the Secretary-General provided in its part two an overview of the activities of the Office of the Special Representative of the Secretary-General for the Law of the Sea.

Consideration by the General Assembly

By its resolution 42/20 of 18 November 1987,²²⁸ the General Assembly recalled the historic significance of the United Nations Convention on the Law of the Sea as an important contribution to the maintenance of peace, justice and progress for all peoples of the world, called upon all States that had not done so to consider ratifying or acceding to the Convention at the earliest possible date to allow the effective entry into force of the new legal regime for the uses of the sea and its resources, and called upon States to observe the provisions of the Convention when enacting the national legislation, and to desist from taking actions which undermined the Convention or defeated its object and purpose.

5. INTERNATIONAL COURT OF JUSTICE^{229, 230}

Cases before the Court

A. CONTENTIOUS CASES BEFORE THE FULL COURT

(i) *Military and Paramilitary Activities in and against Nicaragua* (*Nicaragua v. United States of America*)²³¹

In a letter of 7 September 1987, the Agent of Nicaragua stated that no agreement had been reached between the Parties as to the form and amount of the reparation and that Nicaragua requested the Court to make the necessary orders for the further conduct of the case.

By a letter dated 13 November 1987, the Deputy Agent of the United States informed the Registrar that the United States remained of the view that the Court was without jurisdiction to entertain the dispute and that the Nicaraguan Application was inadmissible, and that, accordingly, the United States would not be represented at a meeting, to be held in accordance with Article 31 of the Rules of the Court, for the purpose of ascertaining the views of the Parties on the procedure to be followed.

By an Order of 18 November 1987,²³² the Court fixed time-limits for written proceedings on the question of the form and amount of reparation to be made in the case, namely, 29 March 1988 for a Memorial of Nicaragua and 29 July 1988 for a Counter-Memorial of the United States.

(ii) *Border and Transborder Armed Actions*
(*Nicaragua v. Costa Rica*)²³³

By a communication of 12 August 1987 the Agent of Nicaragua, referring to an agreement signed on 7 August 1987 at Guatemala City by the Presidents of the five States of Central America (the Esquipulas II agreement, entitled "Procedures for the establishment of a firm and lasting peace in Central America"), stated that "Nicaragua discontinues the judicial proceedings instituted against Costa Rica".

On 19 August 1987, after having ascertained that the Government of Costa Rica did not object to the discontinuance, the President of the Court made an Order placing the discontinuance on record and ordering that the case be removed from the list.²³⁵

(iii) *Border and Transborder Armed Actions*
(*Nicaragua v. Honduras*)²³⁵

Both the Memorial of Honduras and the Counter-Memorial of Nicaragua were filed within the prescribed time-limits, but the oral proceedings on jurisdiction and admissibility were temporarily adjourned, with the approval of the Court, as a result of the signing on 7 August 1987 of the "Procedure for the establishment of a firm and lasting peace in Central America" (the Esquipulas II agreement) by the Presidents of the five States of Central America.

B. CONTENTIOUS CASES BEFORE A CHAMBER

(i) *Land, Island and Maritime Frontier Dispute*
(*El Salvador/Honduras*)²³⁶

On 8 May 1987, the Court made an Order whereby it acceded to the request of the two Governments to form a special Chamber of five judges to deal with the dispute between them.²³⁷ It declared that it had elected Judges Shigeru Oda, José Sette-Camara and Sir Robert Jennings to form, with the judges ad hoc chosen by the Parties, the Chamber to deal with the case. By an Order of 27 May 1987,²³⁸ the Court, having consulted the Chamber, fixed 1 June 1988 as the time-limit for the filing of a Memorial by each of the Parties.

The Chamber, at a private meeting on 29 May 1987, elected Judge Sette-Camara as its President. By an Order of the same date,²³⁹ the Chamber, taking into

account the wishes of the Parties as expressed in the Special Agreement, fixed 1 February 1989 as the time-limit for the filing of a Counter-Memorial by each of the Parties and 1 August 1989 for the filing of the Replies.

On 9 November 1987, the inaugural public sitting of the Chamber was held, at which Judges ad hoc Valticos and Virally made the solemn declaration required by the Statute and the Rules of Court.

By an order of 27 May 1987,²⁴⁰ the Court fixed a time-limit of 1 June 1988 for the filing of a Memorial.

(ii) *Elettronica Sicula S.p.A. (ELSI)*²⁴¹

On 6 February 1987, the United States of America filed an Application instituting proceedings against the Republic of Italy concerning a dispute arising from the requisition by the Government of Italy of the plant and related assets of Elettronica Sicula S.p.A. (ELSI), an Italian company which was stated to have been 100 per cent owned by two United States corporations.

Upon a request by the two Parties, the Court, by an Order of 2 March 1987,²⁴² constituted a Chamber to deal with the case. It declared that it had elected as members of the Chamber: President Nagendra Singh; Judges Shigeru Oda, Roberto Ago, Stephen M. Schwabel and Sir Robert Jennings. By the same Order, the Court fixed the time-limits for a Memorial by the United States and a Counter-Memorial by Italy, which were filed within the prescribed time-limits.

On 17 November 1987, the inaugural public sitting of the Chamber was held. By an Order of the same date,²⁴³ the Chamber of the Court fixed time-limits for a Reply by the United States and a Rejoinder by Italy, which were filed within the prescribed time-limits.

C. REQUEST FOR ADVISORY OPINION

On 27 May 1987, the International Court of Justice delivered its advisory opinion in respect of Judgement No. 333 (1987) of the Administrative Tribunal of the United Nations in the case of *Yakimetz v. the Secretary-General of the United Nations*.²⁴⁴ A summary outline and the complete text of the operative paragraphs of the opinion are reproduced in chapter VII below.

6. INTERNATIONAL LAW COMMISSION²⁴⁵

*Thirty-ninth session of the Commission*²⁴⁶

The International Law Commission held its thirty-ninth session at Geneva from 4 May to 17 July 1987. The Commission considered all items on its agenda except for the items "State responsibility", "Jurisdictional immunities of States and their property" and "Status of the diplomatic courier and the diplomatic bag not accompanied by diplomatic courier".

On the question of the draft Code of Offences against the Peace and Security of Mankind, the Commission had before it the fifth report on the topic submitted by

the Special Rapporteur.²⁴⁷ In his fifth report the Rapporteur presented revised texts of some of the draft articles he had submitted at the thirty-eighth session, which comprised the introduction to the draft Code and dealt with the definition and characterization of offences against the peace and security of mankind, as well as with general principles. The Commission also had before it the observations of Member States on the topic.²⁴⁸ The Commission decided to refer draft articles 1 to 11 to the Drafting Committee and, having considered the report of the Drafting Committee, provisionally adopted draft articles 1 to 3 and 5 to 6. Owing to lack of time, the Drafting Committee was unable to formulate texts for articles 4 and 7 and 8 to 11. As regards the title of the topic, the Commission noted that the word "crimes" had been used in some language versions, whereas others had used the word "offences". Following discussion of the issue, the Commission decided to recommend to the General Assembly that it amend the title of the topic in English to read in the future as "Draft Code of Crimes against the Peace and Security of Mankind", in order to achieve greater uniformity and equivalence between the different language versions.

Concerning the topic of the law of the non-navigational uses of international watercourses, the Commission had before it the Special Rapporteur's third report.²⁴⁹ In his report, the Special Rapporteur reviewed the status of the work on the topic; set forth general considerations on procedural rules relating to the utilization of international watercourses; submitted six draft articles (articles 10 -15) concerning general principles of cooperation and notification; and addressed the question of exchange of data and information. The Commission decided to refer articles 10 to 15 to the Drafting Committee. After having considered the report of the Drafting Committee, the Commission approved the method followed by the Committee with regard to article 1 and the question of the use of the term "system", and provisionally adopted articles 2 to 7, which are based on draft articles 2 to 8 which were referred to the Drafting Committee by the Commission at the thirty-sixth session, as well as on articles 1 to 5 provisionally adopted by the Commission at its thirty-second session. Owing to lack of time, the Drafting Committee was unable to complete its consideration of draft articles 9 to 15.

With respect to the question of international liability for injurious consequences arising out of acts not prohibited by international law, the Commission had before it the Special Rapporteur's second report,²⁵⁰ held over from the previous session for further consideration, and his third report,²⁵¹ wherein he submitted six draft articles. In view of the extensive debate in the Commission, the Special Rapporteur did not request the Commission to refer the six draft articles to the Drafting Committee, but rather preferred to introduce new draft articles at the next session.

Regarding relations between States and international organizations (second part of the topic), the Commission had before it the Special Rapporteur's third report.²⁵² In the report, the Special Rapporteur analysed the debates on the topic held in the Sixth Committee of the General Assembly at its fortieth session and in the Commission at its thirty-seventh session; set out various considerations regarding the scope of the topic; and submitted to the Commission an outline of the subject-matter to be covered by the draft articles he intended to prepare on the topic. Following consideration of the report, the Commission decided to request the Special Rapporteur to continue his study of the topic, in accordance with the guidelines laid down in the outline contained in his third report and in the light of the views expressed on the topic at the Commission's present session, in the hope that it would be possible for him to produce a set of draft articles in the future.

Consideration by the General Assembly

At its forty-second session, the General Assembly had before it the report of the International Law Commission on the work of its thirty-ninth session.²⁵³ By its resolution 42/156 of 7 December 1987,²⁵⁴ adopted on the recommendation of the Sixth Committee,²⁵⁵ the General Assembly took note of the report of the International Law Commission on the work of its thirty-ninth session; recommended that, taking into account the comments of Governments, whether in writing or expressed orally in debates in the General Assembly, the International Law Commission should continue its work on the topics in its current programme; and further recommended the continuation of efforts to improve the ways in which the report of the International Law Commission is considered in the Sixth Committee, with a view to providing effective guidance for the Commission in its work, and to this end decided that the Sixth Committee shall hold consultations at the commencement of the forty-third session of the General Assembly, including, *inter alia*, consultations on the question of establishing a working group, to meet during the debate on the report of the International Law Commission in order to allow for a concentrated discussion on one or more of the topics on the agenda of the Commission. Moreover, by its resolution 42/151 of the same date,²⁵⁶ also adopted on the recommendation of the Sixth Committee,²⁵⁷ the Assembly agreed with the recommendation of the report of the International Law Commission to amend the title of this topic in English in order to achieve greater uniformity and equivalence between different language versions, and invited the Commission to continue its work on the elaboration of the draft Code of Crimes against the Peace and Security of Mankind, including the elaboration of a list of crimes.

7. UNITED NATIONS COMMISSION ON INTERNATIONAL TRADE LAW²⁵⁸

*Twentieth Session of the Commission*²⁵⁹

The United Nations Commission on International Trade Law held its twentieth session at Vienna, from 20 July to 14 August 1987.

In connection with the question of international payments, the Commission had before it the report of the Working Group on International Negotiable Instruments on the work of its fifteenth session,²⁶⁰ a note by the secretariat containing the comments of Governments and international organizations on the draft Convention²⁶¹ and a note by the secretariat containing draft final clauses.²⁶² The Commission commenced its deliberations on the draft Convention on International Bills of Exchange and International Promissory Notes,²⁶³ and, after completing its review, referred the draft articles to a drafting group. The draft articles as modified and submitted by the drafting group were then reviewed by the Commission, which subsequently adopted the decision by which it submitted the draft Convention to the General Assembly with a recommendation that it should consider the draft Convention with a view to its adoption or any other action to be taken.

With regard to the question of the new international economic order, the Commission took note of the report of its Working Group on the New International Economic Order on the work of its ninth session,²⁶⁴ as well as the draft foreword, introduction and chapters of the draft Legal Guide on Drawing up International Contracts for the Construction of Industrial Works as considered by the Working Group at its ninth session²⁶⁵ and a report of the Secretary-General containing a draft index to the Legal Guide.²⁶⁶ After consideration of certain modifications, the Commission adopted the UNCITRAL Legal Guide on Drawing Up International Contracts for the Construction of Industrial Works. The Commission also had before it a note by the secretariat reporting on the progress made by the secretariat in its preparatory work on the topic of international procurement.²⁶⁷ The Commission took note of the report and requested the secretariat to continue with that work.

The Commission also discussed the report of the Working Group on International Contract Practices on the work of its tenth session,²⁶⁸ which set forth the deliberations and decisions of the Working Group with respect to the draft articles of uniform rules on the liability of operators of transport terminals. The Commission took note with appreciation of the report of the Working Group.

The Commission also had before it a report of the Secretary-General on the legal implications of automatic data processing,²⁶⁹ which was divided into two parts, the first describing the results of a meeting hosted by the Commission secretariat at Vienna on 12-13 March 1987, the second analysing information on the work undertaken by other organizations on the subject matter. The Commission took note with appreciation of the report and approved the course of action proposed therein.

With respect to training and assistance, the Commission considered a report of the Secretary-General²⁷⁰ which described the seminars and symposia on international trade law in which members of the secretariat had participated as speakers. The report also described a symposium organized in cooperation with the Latin American Federation of Banks at Mexico City in June 1987 that had dealt with the Commission's texts on international payments. A general view was expressed that regional seminars and symposia were important and that in some cases such activities could be held in collaboration with regional economic groupings. It was noted that such symposia and seminars were of great value to young lawyers and government officials from developing countries.

Consideration by the General Assembly

At its forty-second session, the General Assembly, by its resolution 42/152 of 7 December 1987,²⁷¹ adopted on the recommendation of the Sixth Committee,²⁷² commended the United Nations Commission on International Trade Law for the progress made in its work and for having reached decisions by consensus; called upon the Commission to continue to take account of the relevant provisions of the resolutions concerning the new international economic order, as adopted by the General Assembly at its sixth²⁷³ and seventh²⁷⁴ special sessions; expressed its appreciation to those regional organizations and institutions which had collaborated with the secretariat of the Commission in organizing regional seminars and symposia in the field of international trade law; and noted with particular satisfaction the completion and adoption by the Commission of the Legal Guide on Drawing Up International Contracts for the Construction of Industrial Works.

Moreover, by its resolution 42/153 of the same date,²⁷⁵ adopted also on the recommendation of the Sixth Committee,²⁷⁶ the General Assembly, taking note of the draft Convention on International Bills of Exchange and International Promissory Notes adopted by the Commission at its twentieth session, requested the Secretary-General to draw the attention of all States to the draft Convention, to ask them to submit the observations and proposals they might wish to make on the draft Convention and to circulate those observations and proposals to all member States, and decided to consider, at its forty-third session, the draft Convention, with a view to its adoption at that session.

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

(a) Declaration on the Enhancement of the Effectiveness of the Principle of Refraining from the Threat or Use of Force in International Relations

By its resolution 42/22 of 18 November 1987,²⁷⁷ adopted on the recommendation of the Sixth Committee,²⁷⁸ the General Assembly, considering that the Special Committee on Enhancing the Effectiveness of the Principle of Non-Use of Force in International Relations had completed a draft Declaration on the Enhancement of the Effectiveness of the Principle of Refraining from the Threat or Use of Force in International Relations and had decided to submit it to the General Assembly for consideration and adoption, and convinced also that the adoption of the Declaration should contribute to the improvement of international relations, approved the Declaration, the text of which was annexed to the resolution.

ANNEX

Declaration on the Enhancement of the Effectiveness of the Principle of Refraining from the Threat or Use of Force in International Relations

The General Assembly,

Recalling the principle that States shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any State, or in any other manner inconsistent with the purposes of the United Nations,

Recalling that this principle is enshrined in Article 2, paragraph 4, of the Charter of the United Nations and has been reaffirmed in a number of international instruments,

Reaffirming the Declaration of Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations,²⁷⁹ the Definition of Aggression²⁸⁰ and the Manila Declaration on the Peaceful Settlement of International Disputes,²⁸¹

Reaffirming the obligation to maintain international peace and security in conformity with the purposes of the United Nations,

Expressing deep concern at the continued existence of situations of conflict and tension and the impact of the persistence of violations of the principle of refraining from the threat or use of force on the maintenance of international peace and security, as well as at

the loss of human life and material damage in the countries affected, the development of which may thereby be set back,

Desiring to remove the risk of new armed conflicts between States by promoting a change in the international climate from confrontation to peaceful relations and co-operation and by taking other appropriate measures to strengthen international peace and security,

Convinced that, in the present world situation, in which nuclear weapons exist, there is no reasonable alternative to peaceful relations among States,

Fully aware that the question of general and complete disarmament is of the utmost importance and that peace, security, fundamental freedoms and economic and social development are indivisible,

Noting with concern the pernicious impact of terrorism on international relations,

Stressing the need for all States to desist from any forcible action aimed at depriving peoples of their right to self-determination, freedom and independence,

Reaffirming the obligation of States to settle their international disputes by peaceful means,

Conscious of the importance of strengthening the United Nations system of collective security,

Bearing in mind the universal significance of human rights and fundamental freedoms as essential factors for international peace and security,

Convinced that States have a common interest in promoting a stable and equitable world economic environment as an essential basis for world peace and that, to that end, they should strengthen international co-operation for development and work towards a new international economic order,

Reaffirming the commitment of States to the basic principle of the sovereign equality of States,

Reaffirming the inalienable right of every State to choose its political, economic, and social and cultural systems without interference in any form by another State,

Recalling that States are under an obligation not to intervene directly or indirectly, for any reason whatever, in the internal or external affairs of any other State,

Reaffirming the duty of States to refrain in their international relations from military, political, economic or any other form of coercion aimed against the political independence or territorial integrity of any State,

Reaffirming the principle of equal rights and self-determination of peoples enshrined in the Charter,

Reaffirming that States shall fulfil in good faith all their obligations under international law,

Aware of the urgent need to enhance the effectiveness of the principle that States shall refrain from the threat or use of force in order to contribute to the establishment of lasting peace and security for all States,

1. *Solemnly declares* that:

I

1. Every State has the duty to refrain in its international relations from the threat or use of force against the territorial integrity or political independence of any State, or in any other manner inconsistent with the purposes of the United Nations. Such a threat or use of force constitutes a violation of international law and of the Charter of the United Nations and entails international responsibility.

2. The principle of refraining from the threat or use of force in international relations is universal in character and is binding, regardless of each State's political, economic, social or cultural system or relations of alliance.

3. No consideration of whatever nature may be invoked to warrant resorting to the threat or use of force in violation of the Charter.

4. States have the duty not to urge, encourage or assist other States to resort to the threat or use of force in violation of the Charter.

5. By virtue of the principle of equal rights and self-determination enshrined in the Charter, all peoples have the right freely to determine, without external interference, their political status and to pursue their economic, social and cultural development, and every State has the duty to respect this right in accordance with the provisions of the Charter.

6. States shall fulfil their obligations under international law to refrain from organizing, instigating, or assisting or participating in paramilitary, terrorist or subversive acts, including acts of mercenaries, in other States, or acquiescing in organized activities within their territory directed towards the commission of such acts.

7. States have the duty to abstain from armed intervention and all other forms of interference of attempted threats against the personality of the State or against its political, economic and cultural elements.

8. No State may use or encourage the use of economic, political or any other type of measures to coerce another State in order to obtain from it the subordination of the exercise of its sovereign rights and to secure from it advantages of any kind.

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

10. Neither acquisition of territory resulting from the threat or use of force nor any occupation of territory resulting from the threat or use of force in contravention of international law will be recognized as legal acquisition or occupation.

11. A treaty is void if its conclusion has been procured by the threat or use of force in violation of the principles of international law embodied in the Charter.

12. In conformity with the Charter and in accordance with the relevant paragraphs of the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations, States shall fulfil in good faith all their international obligations.

13. States have the *inherent right of individual or collective self-defence* if an armed attack occurs, as set forth in the Charter.

II

14. States shall make every effort to build their international relations on the basis of mutual understanding, trust, respect and co-operation in all areas.

15. States should also promote bilateral and regional co-operation as one of the important means to enhance the effectiveness of the principle of refraining from the threat or use of force in international relations.

16. States shall abide by their commitment to the principle of peaceful settlement of disputes, which is inseparable from the principle of refraining from the threat or use of force in their international relations.

17. States parties to international disputes shall settle their disputes exclusively by peaceful means in such a manner that international peace and security, and justice, are not endangered. For this purpose they shall utilize such means as negotiation, inquiry, mediation, conciliation, arbitration, judicial settlement, resort to regional agencies or arrangements, or other peaceful means of their own choice, including good offices.

18. States shall take effective measures which, by their scope and by their nature, constitute steps towards the ultimate achievement of general and complete disarmament under strict and effective international control.

19. States should take effective measures in order to prevent the danger of any armed conflicts, including those in which nuclear weapons could be used, to prevent an arms race in outer space and to halt and reverse it on Earth, to lower the level of military confrontation and to enhance global stability.

20. States should co-operate in order to undertake active efforts aimed at ensuring the relaxation of international tensions, the consolidation of the international legal order and the respect of the system of international security established by the Charter of the United Nations.

21. States should establish appropriate confidence-building measures aimed at preventing and reducing tensions and creating a better climate among them.

22. States reaffirm that the respect for effective exercise of all human rights and fundamental freedoms and protection thereof are essential factors for international peace and security, as well as for justice and the development of friendly relations and co-operation among all States. Consequently, they should promote and encourage respect for human rights and fundamental freedoms for all, without distinction as to race, sex, language or religion, *inter alia*, by strictly complying with their international obligations and considering, as appropriate, becoming parties to the principal international instruments in this field.

23. States shall co-operate at the bilateral, regional and international levels in order to:

- (a) Prevent and combat international terrorism;
- (b) Contribute actively to the elimination of the causes underlying international terrorism.

24. States shall endeavour to take concrete measures and promote favourable conditions in the international economic environment in order to achieve international peace, security and justice; they will take into account the interest of all in the narrowing of the differences in the levels of economic development, and in particular the interest of developing countries throughout the world.

III

25. The competent United Nations organs should make full use of the provisions of the Charter of the United Nations in the field of the maintenance of international peace and security with a view to enhancing the effectiveness of the principle of refraining from the threat or use of force in international relations.

26. States should co-operate fully with the organs of the United Nations in supporting their action relating to the maintenance of international peace and security and to the peaceful settlement of international disputes in accordance with the Charter. In particular, they should enhance the role of the Security Council so that it can fully and effectively discharge its duties. In this regard, the permanent members of the Council have a special responsibility under the Charter.

27. States should strive to enhance the effectiveness of the collective security system through the effective implementation of the provisions of the Charter, particularly those relating to the special responsibilities of the Security Council in this regard. They should also fully discharge their obligations to support United Nations peace-keeping operations decided upon in accordance with the Charter. States shall accept and carry out the decisions of the Council in accordance with the Charter.

28. States should give the Security Council every possible type of assistance in all actions taken by it for the just settlement of crisis situations and regional conflicts. They should strengthen the part the Council can play in preventing disputes and situations the continuation of which is likely to endanger the maintenance of international peace and security. They should facilitate the task of the Council in reviewing situation of potential danger for international peace and security at as early stage as possible.

29. The fact-finding capacity of the Security Council should be enhanced on an *ad hoc* basis in accordance with the Charter.

30. States should give full effect to the important role conferred by the Charter on the General Assembly in the area of peaceful settlement of dispute and the maintenance of international peace and security.

31. States should encourage the Secretary-General to exercise fully his functions with regard to the maintenance of international peace and security and the peaceful settlement of disputes, in accordance with the Charter, including those under Articles 98 and 99, and fully co-operate with him in this respect.

32. States should take into consideration that legal disputes should, as a general rule, be referred by the parties to the International Court of Justice in accordance with the provisions of the Statute of the Court as an important factor for strengthening the maintenance of international peace and security. The General Assembly and the Security Council should consider making use of the provisions of the Charter concerning the possibility of requesting the Court to give an advisory opinion on any legal question.

33. States parties to regional arrangements or agencies should consider making greater use of such arrangements and agencies for dealing with such matters relating to the maintenance of international peace and security as are appropriate, pursuant to Article 52 of the Charter;

2. *Declares* that nothing in the present Declaration shall be construed as:

(a) Enlarging or diminishing in any way the scope of the provisions of the Charter concerning cases in which the use of force is lawful;

(b) Prejudicing in any manner the relevant provisions of the Charter or the rights and duties of Member States or the scope of the functions and powers of the United Nations organs under the Charter, in particular those relating to the threat or use of force;

3. *Declares* that nothing in the present Declaration could in any way prejudice the right to self-determination, freedom and independence, as derived from the Charter, of peoples forcibly deprived of that right and referred to in the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations, particularly peoples under colonial and racism regimes or other forms of alien domination; nor the right of these peoples to struggle to that end and to seek and receive support, in accordance with the principles of the Charter and in conformity with the above-mentioned Declaration;

4. *Confirms* that, in the event of a conflict between the obligations of Members of the United Nations under the Charter and their obligations under any other international agreement, their obligations under the Charter will prevail in accordance with Article 103 of the Charter.

(b) United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law

By its resolution 42/148 of 7 December 1987,²⁸² adopted on the recommendation of the Sixth Committee,²⁸³ the General Assembly authorized the Secretary-General to carry out in 1988 and 1989 the activities specified in his report on the implementation of the United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law;²⁸⁴ urged all Governments to encourage the inclusion of courses on international law in the programmes of legal studies offered at institutions of higher learning; and request-

ed the Secretary-General to continue to publicize the Programme and periodically to invite Member States, universities, philanthropic foundations and other interested national and international institutions and organizations, as well as individuals, to make voluntary contributions towards the financing of the Programme or otherwise to assist in its implementation and possible expansion.

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

By its resolution 42/149 of 7 December 1987,²⁸⁵ adopted on the recommendation of the Sixth Committee,²⁸⁶ the General Assembly, considering the close link between the establishment of a just and equitable international economic order and the existence of an appropriate legal framework, and recognizing the need for the codification and progressive development of the principles and norms of international law relating to the new international economic order, recommended that the task of completing the elaboration of the process of codification and progressive development of the principles and norms of international law relating to the new international economic order should be undertaken in an appropriate forum within the framework of the Sixth Committee of the General Assembly, and decided to include the item in the provisional agenda of its forty-third session.

(d) Peaceful settlement of disputes between States

By its resolution 42/150 of 7 December 1987,²⁸⁷ adopted on the recommendation of the Sixth Committee,²⁸⁸ the General Assembly again urged all States to observe and promote in good faith the provisions of the Manila Declaration on the Peaceful Settlement of International Disputes²⁸⁹ in the settlement of their international disputes; stressed the need to continue efforts to strengthen the process of the peaceful settlement of disputes through progressive development and codification of international law and through enhancing the effectiveness of the United Nations in this field; and called upon Member States to make full use, in accordance with the Charter of the United Nations, of the framework provided by the United Nations for the peaceful settlement of disputes and international problems.

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

By its resolution 42/154 of 7 December 1987,²⁹⁰ adopted on the recommendation of the Sixth Committee,²⁹¹ the General Assembly 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 encouraged, instigated, organized or engaged in the perpetration of acts against the security and safety of such missions and representatives; called upon States to take all necessary measures at the national and international levels to prevent any acts of violence against diplomatic and consular missions and rep-

representatives, as well as against missions and representatives to international inter-governmental organizations and officials of such organizations, and, in accordance with national law and international treaties, to prosecute or extradite those who perpetrated such acts: further called upon States that 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; and requested: (a) all States to report to the Secretary-General as promptly as possible serious violations of the protection, security and safety of diplomatic and consular missions and representatives, as well as missions and representatives with diplomatic status to international intergovernmental organizations, and (b) the State in which the violation had taken place — and, to the extent possible, the State where the alleged offender had been present — to report to the Secretary-General as promptly as possible on measures taken to bring the offender to justice and eventually to communicate, in accordance with its laws, the final outcome of the proceedings against the offender, and to report on measures adopted with a view to preventing a repetition of such violations.

(f) Drafting of an international convention against the recruitment, use, financing and training of mercenaries

By its resolution 42/155 of 7 December 1987,²⁹² on the recommendation of the Sixth Committee,²⁹³ recognizing that the activities of mercenaries were contrary to fundamental principles of international law, such as non-interference in the internal affairs of States, territorial integrity and independence, and seriously impeded the process of self-determination of peoples struggling against colonialism, racism and apartheid and all forms of foreign domination, taking account of the progress achieved by the Ad Hoc Committee on the Drafting of an International Convention against the Recruitment, Use, Financing and Training of Mercenaries at its sixth session, took note of the report of the Ad Hoc Committee,²⁹⁴ and requested the Committee, in the fulfilment of its mandate, to use the draft articles contained in chapter III of its report entitled “Second revised consolidated negotiating basis of a convention against the recruitment, use, financing and training of mercenaries” as a basis for future negotiation on the text of the proposed international convention.

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

In accordance with General Assembly resolution 41/83 of 3 December 1986, 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 9 to 27 February 1987.²⁹⁵ With respect to the topic of the peaceful settlement of disputes between States, the Special Committee took note of the progress report of the Secretary-General on the elaboration of the draft handbook on the peaceful settlement of disputes between States,²⁹⁶ expressing the hope that the work would proceed on a priority basis and that more progress would be reported at the next session of the Committee. Moreover, the Committee considered the proposal contained in the working paper on the resort to a commission of good offices, mediation or conciliation within the United Nations, submitted by

Romania²⁹⁷ and, based on a number of suggestions, observations and drafting points made by the members of the Working Group, the delegation of Romania introduced a revised version of the proposal.²⁹⁸

With regard to the topic of the rationalization of existing procedures of the United Nations, the Special Committee had before it a revised working paper submitted at the previous session by France and the United Kingdom of Great Britain and Northern Ireland²⁹⁹ on which it based its discussions on the topic, focusing its attention primarily on paragraphs 6 to 11. A second revised version was subsequently introduced on behalf of the co-sponsors.³⁰⁰

Concerning the topic of the maintenance of international peace and security, the Special Committee held discussions on the topic within the framework of two working papers before the Committee: one submitted by Belgium, the Federal Republic of Germany, Italy, Japan, New Zealand and Spain³⁰¹ and the other submitted by Czechoslovakia, the German Democratic Republic and Poland.³⁰²

At its forty-second session, the General Assembly, by its resolution 42/157 of 7 December 1987,³⁰³ adopted on the recommendation of the Sixth Committee,³⁰⁴ requested the Special Committee at its 1988 session: (a) to accord priority to the question of the maintenance of international peace and security in all its aspects in order to strengthen the role of the United Nations, in particular the Security Council, and, in this context: (i) to complete an appropriate draft document on the prevention and removal of threats to peace and of situations that might lead to international friction or give rise to a dispute, on the basis of the provisionally adopted paragraphs as well as other proposals set forth in paragraphs 37, 46 and 102 of the report of the Special Committee on its work at the 1987 session;³⁰⁵ (ii) to submit the draft document to the General Assembly at its forty-third session; (b) to continue its work on the question of the peaceful settlement of disputes between States, and, in that context: (i) to continue consideration of the working paper on the resort to a commission of good offices, mediation or conciliation within the United Nations, with a view to completing it and submitting conclusions thereon to the General Assembly at the earliest possible date; (ii) to examine the report of the Secretary-General on the elaboration of a draft handbook on the peaceful settlement of disputes between States. The Assembly also requested the Special Committee to keep the question of the rationalization of the procedures of the United Nations under active review, and requested the Secretary-General to continue, on a priority basis, the preparation of a draft handbook on the peaceful settlement of disputes between States, on the basis of the outline elaborated by the Special Committee and in the light of the views expressed in the course of the discussions in the Sixth Committee and in the Special Committee, and to report to the Special Committee at its session in 1988 on the progress of work, before submitting to it the draft handbook in its final form, with a view to its approval at a later stage.

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

By its resolution 42/158 of 7 December 1987,³⁰⁶ adopted on the recommendation of the Sixth Committee,³⁰⁷ the General Assembly reaffirmed that good-neighbourliness fully conformed with the purposes of the United Nations and should be founded upon the strict observance of the principles of the United

Nations as embodied in the Charter and in the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations,³⁰⁸ and so presupposed the rejection of any acts seeking to establish zones of influence or domination, and called once again upon States, in the interest of the maintenance of international peace and security, to develop good-neighbourly relations, acting on the basis of those principles.

- (i) 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 42/159 of 7 December 1987,³⁰⁹ adopted on the recommendation of the Sixth Committee,³¹⁰ the General Assembly, taking note of the report of the Secretary-General,³¹¹ once again unequivocally condemned, as criminal, all acts, methods and practices of terrorism wherever and by whomever committed, including those which jeopardized friendly relations among States and their security; called upon all States to fulfil their obligations under international law to refrain from organizing, instigating, assisting or participating in terrorist acts in other States, or acquiescing in activities within their territory directed towards the commission of such acts; urged all States to fulfil their obligations under international law and to take effective and resolute measures for the speedy and final elimination of international terrorism; appealed to all States that had not yet done so to consider becoming party to the international conventions relating to various aspects of international terrorism referred to in the preamble to the resolution; urged all States, unilaterally and in cooperation with other States, as well as relevant United Nations organs, to contribute to the progressive elimination of the causes underlying international terrorism and to pay special attention to all situations, including colonialism, racism and situations involving mass and flagrant violations of human rights and fundamental freedoms and those involving alien domination and occupation, that might give rise to international terrorism and might endanger international peace and security; and requested the Secretary-General to seek the views of Member States on international terrorism in all its aspects and on ways and means of combating it, including, *inter alia*, the convening, under the auspices of the United Nations, of an international conference to deal with international terrorism.

- (j) Report of the Committee on Relations with the Host Country³¹²

In accordance with its resolution 41/82 of 3 December 1986, the General Assembly decided that the Committee on Relations with the Host Country should continue its work, in conformity with Assembly resolution 2819 (XXVI) of 15 December 1971.

In its report to the General Assembly at its forty-second session, the Committee included a set of recommendations whereby it urged the host country to take all necessary measures in order to apprehend, bring to justice and punish

all those responsible for committing or conspiring to commit criminal acts against missions accredited to the United Nations as provided for in the 1972 Federal Act for the Protection of Foreign Officials and Official Guests of the United States, and to that end reminded representatives of Member States, observers and United Nations Secretariat employees of the necessity of reporting to the United States Mission to the United Nations, in a timely manner, such criminal acts directed at them for the host country to be able to respond; continued to consider the issues raised by certain States Members of the United Nations in response to the request and action by the host country to reduce the size of their missions, and in that connection renewed its requests to the parties concerned, in accordance with the suggestion contained in the statement by the Legal Counsel (A/AC.154/264), to follow such consultations with a view to reaching solutions to the matter in accordance with the Headquarters Agreement;³¹³ called upon the host country to avoid actions not consistent with meeting effectively obligations undertaken by it in accordance with international law in relation to the privileges and immunities of Member States, including those relevant to their participation in the work of the United Nations; and, with a view to facilitating the course of justice, called upon the missions of Member States to cooperate as fully as possible with the federal and local United States authorities in cases affecting the security of those missions and their personnel. Moreover, the Committee stressed the importance of a positive perception of the work of the United Nations and in that connection expressed concern about a negative public presentation of the Organization and therefore urged that efforts should be continued to build up public awareness, through all available means, of the importance played by the United Nations and the missions accredited to it for the strengthening of international peace and security.

The General Assembly, by its resolution 42/210 A of 17 December 1987,³¹⁴ adopted on the recommendation of the Sixth Committee,³¹⁵ endorsed the recommendations of the Committee on Relations with the Host Country contained in its report; strongly condemned any criminal acts violating the security of missions accredited to the United Nations and the safety of their personnel; and requested the Secretary-General to remain actively engaged in all aspects of the relations of the United Nations with the host country and to continue to stress the importance of effective measures to avoid acts of terrorism, violence and harassment against the missions and their personnel, as well as the need for any pertinent legislation adopted by the host country to be in accord with the Headquarters Agreement and its other relevant obligations. Furthermore, the General Assembly, by its resolution 42/210 B of the same date,³¹⁶ adopted on the recommendation of the Sixth Committee,³¹⁷ reiterated that the Permanent Observer Mission of the Palestine Liberation Organization to the United Nations in New York was covered by the provisions of the Agreement between the United Nations and the United States of America regarding the Headquarters of the United Nations and should be enabled to establish and maintain premises and adequate functional facilities, and that the personnel of the Mission should be enabled to enter and remain in the United States to carry out their official functions, and requested the host country to abide by its treaty obligations under the Agreement and in that connection to refrain from taking any action that would prevent the discharge of the official functions of the Permanent Observer Mission of the Palestine Liberation Organization to the United Nations.

(k) Draft Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment³¹⁸

The General Assembly, by its decision 42/426 of 7 December 1987,³¹⁹ adopted on the recommendation of the Sixth Committee,³²⁰ took note with appreciation of the report of the Working Group on the Draft Body of Principles and of the progress achieved by the Working Group during the forty-second session of the Assembly, and decided that a working group of the Sixth Committee would be established at the beginning of the forty-third session in order to complete the elaboration of the draft Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment during that session.

9. RESPECT FOR THE PRIVILEGES AND IMMUNITIES OF OFFICIALS OF THE UNITED NATIONS AND THE SPECIALIZED AGENCIES AND RELATED ORGANIZATIONS

By its resolution 42/219 of 21 December 1987,³²¹ adopted on the recommendation of the Fifth Committee,³²² the General Assembly, recalling the provisions of Articles 100 and 105 of the Charter of the United Nations, took note with concern of the report submitted by the Secretary-General,³²³ on behalf of the Administrative Committee on Coordination; called upon all Member States scrupulously to respect the privileges and immunities of all officials of the United Nations, the specialized agencies and related organizations and to refrain from any acts that would impede such officials in the performance of their functions, thereby seriously affecting the proper functioning of the Organization; also called upon all Member States currently holding under arrest or detention officials of the United Nations, the specialized agencies and related organizations, as spelt out in the Secretary-General's report, to enable the Secretary-General or the executive head of the organization concerned to exercise fully the right of functional protection inherent in the relevant multilateral conventions and bilateral agreements, particularly with respect to immediate access to detained staff members; further called upon all Member States otherwise impeding officials of the United Nations, specialized agencies and related organizations in the proper discharge of their duties to review the cases and to coordinate efforts with the Secretary-General or the executive head of the organization concerned to resolve each case with all due speed; called upon the staff of the United Nations and the specialized agencies and related organizations to comply with the obligations resulting from the Staff Regulations and Rules of the United Nations, in particular regulation 1.8, and from the equivalent provisions governing the staff of the other agencies; called upon the Secretary-General to use all such means as were available to him to bring about an expeditious solution of the cases still pending, which had been referred to in the report; and also called upon the Secretary-General, as chief administrative officer of the United Nations, to continue personally to act as the focal point in promoting and ensuring the observance of the privileges and immunities of officials of the United Nations and the specialized agencies and related organizations by using all such means as were available to him.

10. UNITED NATIONS INSTITUTE FOR TRAINING AND RESEARCH

At its forty-second session, the General Assembly, by its resolution 42/197 of 11 December 1987,³²⁴ adopted on the recommendation of the Second Committee,³²⁵ took note of the report of the Secretary-General;³²⁶ reaffirmed the continuing validity and relevance of the mandate of the United Nations Institute for Training and Research; requested the Secretary-General to restructure the Institute, with training as the main focus of its activities, and the core training programme financed from the General Fund and concentrating on training for international cooperation and multilateral diplomacy at various levels, primarily of persons from developing countries.

B. GENERAL REVIEW OF THE LEGAL ACTIVITIES OF INTERGOVERNMENTAL ORGANIZATIONS RELATED TO THE UNITED NATIONS

1. INTERNATIONAL LABOUR ORGANIZATION³²⁷

The International Labour Conference (ILC), which held its 73rd session at Geneva in June 1987, adopted certain amendments to its Standing Orders:³²⁸

(a) A new article (article 11 *ter*) (procedure for the consideration of items placed on the agenda for general discussion);

(b) Amendments to article 38 (preparatory stages of single-discussion procedure);

(c) Amendments to article 39 (preparatory stages of double-discussion procedure);

(d) Amendment to article 40 (procedure for the consideration of texts), with consequential amendment to article 65;

(e) Amendment to article 1, paragraph 3 (composition of regional conferences), of the rules concerning the powers, functions and procedure of regional conferences convened by the International Labour Organization.

The International Labour Conference, which held its 74th (Maritime) session at Geneva in September-October 1987, adopted a Convention and a Recommendation concerning Seafarers Welfare at Sea and in Port;³²⁹ a Convention concerning Health Protection and Medical Care for Seafarers;³³⁰ a Convention concerning Social Security Protection for Seafarers;³³¹ and a Convention and Recommendation concerning the Repatriation of Seafarers.³³²

The Committee of Experts on the Application of Conventions and Recommendations met at Geneva from 12 to 25 March 1987 and presented its report.³³³

The Commission of Inquiry appointed under article 26 of the Constitution of the International Labour Organization to examine the complaint concerning the observance by the Government of the Federal Republic of Germany of the

Discrimination (Employment and Occupation) Convention, 1958 (No. 111), met at Geneva in November 1985, April 1986 and November 1986 and adopted its report.³³⁴

The Governing Body Committee on Freedom of Association met at Geneva and adopted reports Nos. 246 and 247³³⁵ (234th session of the Governing Body, November 1986); reports Nos. 248, 249 and 250³³⁶ (235th session of the Governing Body, March 1987); and reports Nos. 251 and 252³³⁷ (236th session of the Governing Body, May 1987).

2. FOOD AND AGRICULTURE ORGANIZATION OF THE UNITED NATIONS

(a) Constitutional and general legal matters

(i) *FAO's immunity from legal process in Italy*

At its twenty-fourth session, held from 7 to 27 November 1987, the Conference recalled that the question of FAO's immunity from legal process in Italy had been under discussion by the Conference and the Council since 1982, on account of a judgement rendered by the Corte di Cassazione³³⁸ containing an interpretation, considered restrictive, of section 16 of the Headquarters Agreement, which provided that the Organization enjoyed "immunity from every form of legal process" unless it waived such immunity. The Conference further recalled that, since no satisfactory solution had been found whereby FAO's immunity from legal process could be safeguarded in the future, the Conference, at its twenty-third session, in November 1985, had considered the question whether an advisory opinion should be sought from the International Court of Justice on the interpretation of section 16 of the Headquarters Agreement. At that session, the Conference had agreed "that it would not be desirable at this stage to submit the questions forwarded to it by the Council to the International Court of Justice and that it would be preferable to reconsider the matter, as necessary in the light of a report by the Director-General on developments, at its next session". In the meantime, the Conference had invited "the Director-General and the Italian authorities to explore all possible means of arriving rapidly at a definitive solution which would ensure that FAO would enjoy immunity from all forms of legal process in Italy".

The Conference was informed of the latest developments that had occurred since its last session. Pursuant to the wish it had expressed, representatives of the host Government and the Director-General had met on a number of occasions in 1986 with a view to identifying a mutually satisfactory solution to the problems that had arisen as a result of the Corte di Cassazione's judgement. In the course of those discussions, the representatives of the host Government had pointed out that the promulgation of new legislation would give rise to considerable procedural and other difficulties and that, on account of the independence of the judiciary, new legislation would not provide a guarantee that FAO's immunity would invariably be upheld, since it too would be subject to interpretation by the Italian

courts. Therefore, an alternative solution recommended by the host Government had been explored. That solution was based on the fact that Italy had become a party to the Convention on the Privileges and Immunities of the Specialized Agencies³⁹ on 30 August 1985, following its withdrawal of reservations made in 1952, in one of which it had sought to limit the immunity from legal process of the specialized agencies to that accorded to foreign States, and had, therefore, not been accepted by the specialized agencies.

The above-mentioned solution was based on sections 4 and 31(a) of the Convention on Privileges and Immunities of the Specialized Agencies. Section 4 provides, in the same terms as section 16 of the Headquarters Agreement, that the specialized agencies "shall enjoy immunity from every form of legal process" except insofar as they have waived their immunity. Section 31 (a) provides as follows:

"Each specialized agency shall make provision for appropriate modes of settlement of:

"(a) Disputes arising out of contracts or other disputes of private character to which the specialized agency is a party".

Thus, the obligation contained in section 31 (a) was the natural corollary to the immunity from legal process contained in section 4; if an organization did not waive its immunity it was bound to ensure that such immunity did not lead to a denial of justice. And, since such a provision did not exist in the Headquarters Agreement, the applicability of the Convention on Privileges and Immunities of the Specialized Agencies to FAO laid down an express treaty obligation for the Organization instead of an obligation which had previously been recognized merely on the basis of FAO's consistent practice.

In the light of the new situation that had arisen as a consequence of Italy's having become a party to the Convention on Privileges and Immunities of the Specialized Agencies, the host Government and the Director-General had entered into official correspondence setting forth in detail the way in which the Organization would implement section 31 (a) of the Convention. That correspondence had been submitted by the Director-General to the Committee on Constitutional and Legal Matters (CCLM) which, at its forty-ninth session, in April 1987, recognized that the correspondence in question did not carry the weight of new legislation which had received formal parliamentary approval. Nevertheless, CCLM had felt that since the correspondence would be published in the *Gazzetta Ufficiale* it would undoubtedly have considerable persuasive value if invoked before an Italian court, since it contained a detailed description of the ways in which FAO would ensure that any potential claimant would receive a fair hearing. CCLM had also concluded that, although new legislation would have placed FAO's immunity on a firmer legal basis, the correspondence constituted an appropriate and practical solution. It hoped, however, that the host Government would not discard the possibility of ultimately taking legislative measures that would give further legal protection to FAO.

At its ninety-first session, the Council concurred with CCLM's conclusions and endorsed the view of the host Government and the Director-General that the correspondence represented a practical approach to the solution of the problem of securing the Organization's immunity from legal process in Italy.

The Conference, having considered the developments that had taken place since its last session, agreed with the views expressed by the CCLM and the Council. The Conference, therefore, concluded that there was no need to request an advisory opinion from the International Court of Justice and expressed the hope that in practice the solution devised by the host Government and the Director-General would effectively safeguard the Organization's immunity from legal process in the future. In this connection, the Conference noted with satisfaction the statement made by the representative of Italy to the effect that the host Government would not discard the possibility of promoting at the appropriate time legislative measures that would give further legal protection to FAO and expressed its appreciation for the contribution that he had made towards reaching a solution to the problem.

The Conference also noted that CCLM and the Council had felt that the efficacy of the above solution could only be tested if another action were brought against the Organization in the Italian courts and that the solution would be more likely to be effective if FAO were to put in an appearance in court with the sole purpose of pleading its immunity. Bearing in mind the above, the correspondence with the host Government and the latter's having become a party to the Convention on Privileges and Immunities of the Specialized Agencies, the Council had concluded that there were grounds for the Organization to take a more flexible position than the one that it had confirmed at its eighty-seventh session in June 1985, whereby the Director-General should avoid any participation in proceedings before the Italian courts that was inconsistent with the Organization's immunity from jurisdiction. The Conference agreed with the Council's conclusions and decided that, henceforth, if the Director-General deemed it appropriate in the circumstances, he should be free to arrange for the Organization to plead its immunity in court, possibly through the *Avvocatura Generale dello Stato*, whose services had been offered by the host Government.

In conclusion, the Conference expressed its satisfaction at the continued cooperation between the host Government and FAO reflected in the decisions related to the questions of immunity.

(b) Activities of legal interest relating to commodities

(i) *Hard fibres*

The FAO *Intergovernmental Group on Hard Fibres* did not meet in 1987. The second session of the Sub-group of Sisal and Henequen Producing Countries convened in September 1987 and recommended that the indicative prices for African and Brazilian fibre and for sisal harvest twice be maintained at the same level as in 1986. It also examined supportive measures to improve the organization of the market with a view to raising market prices to the indicative levels. Accordingly, it made a number of recommendations for consideration by the Intergovernmental Group on Hard Fibres covering, *inter alia*, a monitoring mechanism on short-term developments in the market of sisal and its competing products and the convening of special consultations of trade and industry experts from producing countries in periods of serious market disruptions. These would advise Governments of producing countries on appropriate measures to restore balance in the sisal market by coordinating national production and trade policies.

(ii) *Jute, kenaf and allied fibres*

a. *Informal price arrangements for jute and kenaf*

At its twenty-third session, in December 1987, the FAO Intergovernmental Group on Jute, Kenaf and Allied Fibres reviewed the current situation and long-term prospects for jute and kenaf and agreed to revise upwards the indicative prices for jute and kenaf for the 1987/88 season under the informal price arrangements it maintains for these fibres.

b. *Support to activities of the International Jute Organization*

In 1987, FAO provided support to the activities of the International Jute Organization through:

(i) Technical assistance in developing and implementing its projects on jute agriculture and primary processing;

(ii) Supply of statistical and economic information on jute and its competing synthetic materials;

(iii) Regular participation in the work of biannual sessions of its Council and Committee on projects.

(c) *Activities of legal interest relating to plant protection*

In line with FAO's mandate under article VII of the International Plant Protection Convention of 1951,³⁹ a centralized information system is being established, including the following components:

(i) A plant quarantine database containing pests of quarantine concern, their hosts; common and scientific names in three languages, and their geographical distribution;

(ii) Summaries of phytosanitary regulations for more than 80 member countries have been prepared and submitted to the concerned member countries for verification and publishing as the FAO Digest of Phytosanitary Regulations;

(iii) Pest data sheets for pests of quarantine significance will be prepared under the contract with the Commonwealth Agricultural Bureau International (CABI), or any other organization. Initial contacts have been made with CABI;

(iv) The International Plant Quarantine Data Base, comprising the quarantine commodity treatments, is being revised in order to adapt it for computerized use. In addition, protocols for the safe and efficient exchange of germ plasm are to be developed, with the first two meetings of experts taking place during 1988. The resulting procedures will form part of an FAO integrated quarantine procedures manual for distribution to member countries;

(v) The *FAO Plant Protection Bulletin* has continued to publish reports on the existence, outbreak and spread of economically important pests when these constitute an immediate danger.

(d) *Activities of the Joint FAO/WHO Codex Alimentarius Commission in relation to food law*

The current membership of the Joint FAO/WHO Codex Alimentarius Commission is 133 countries.

The seventeenth session of the Codex Alimentarius Commission, which met in Rome from 29 June to 10 July 1987, agreed to establish the Codex Committee on Tropical Fresh Fruits and Vegetables, which met for the first time at Mexico City from 6 to 10 June 1988. The decision was based on the report and recommendations of an Ad Hoc Intergovernmental Consultation to Examine the Need for International Standards for Tropical Fresh Fruits and Vegetables, which was held at Mexico City in February 1987. The Committee will be responsible for elaborating worldwide standards and a codex of practice for fresh fruits and vegetables grown exclusively in tropical zones, while collaborating with the Economic Commission for Europe (ECE), the Organization for Economic Cooperation and Development (OECD) and other international organizations promulgating similar standards to avoid duplication of effort.

The Commission also agreed to amend the name of the Codex Committee on Food Additives to the Codex Committee on Food Additives and Contaminants in order to reflect more accurately the Committee's responsibilities and terms of reference. That decision was made to avoid the unnecessary establishment of a new committee to deal exclusively with contaminants.

And finally, the Commission agreed to amend the name of the Codex Committee on Foods for Special Dietary Uses to the Codex Committee for Nutrition and Special Dietary Uses in order to take into account the Committee's extended terms of reference as approved by the fifteenth session of the Commission.

(e) Legislative matters

(i) *Activities connected with international meetings*

FAO participated in and provided contributions to the following international meetings:

- Workshop on Forestry, Wildlife and National Parks Policy and Legislation in the Eastern Caribbean, Castries, Saint Lucia, 4-9 July 1987;
- Second World Congress on Food Technology, organized by the Spanish Union of Science and Technology, Barcelona, 2-6 March 1987;
- Second session of the Commission on Plant Resources, organized by FAO, Rome;
- Workshop of National Coordinators of the Pan African Rinderpest Campaign, Nairobi, 26-30 November 1987.

(ii) *Legislative assistance and advice in the field*

During 1987 legislative assistance and advice were given to various countries on the following topics:

- a. Agrarian law: Indonesia — soil conservation, Rwanda — utilization of marshlands, Comoros — agrarian reform, Meat and Livestock Economic Community — legal aspects of transhumance and the insertion of livestock in the agro-pastoral zones; and juridical and institutional aspects of agro-silvo-pastoral development in the Nohhao valley;

b. Water legislation: Argentina, Indonesia — assistance in regulations on swamps with elucidation, Fiji, Morocco, Mozambique, Rwanda and Vanuatu;

c. Livestock legislation: Laos and Economic Community of the Great Lakes Countries;

d. Plant protection legislation: Argentina, Economic Community of the Great Lakes Countries, Djibouti, Morocco and Yemen;

e. Plant production and seed legislation: Pakistan and Yemen;

f. Food and food control legislation: India, Iraq and Madagascar;

g. Fisheries legislation: Bahamas, Barbados, Haiti, Malaysia, Mauritania, Mozambique, Organization of Eastern Caribbean States, Solomon Islands and Western Samoa;

h. Forestry legislation: Antigua and Barbuda, Bahamas, Côte d'Ivoire, Dominica, Grenada, Guinea, Indonesia, Malaysia, Montserrat, Nepal, Philippines, Saint Lucia, Saint Vincent and the Grenadines and Togo;

i. Environment and wildlife legislation: Zaire.

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

Advice or documentation was furnished to Governments, agencies or educational centres, at their request, on a range of topics, including:

— Food law and food standards: Argentina, Brazil, Canada, Colombia, Congo, Ecuador, Egypt, France, Madagascar, Mexico, Somalia and United Kingdom;

— Livestock legislation: Turkey and Uruguay;

— Plant protection and pesticide legislation: Angola, Canada, China, France, Hungary, Ireland, Malaysia, Somalia, Tanzania and Venezuela;

— Water: Jamaica, Lao People's Democratic Republic and Morocco.

(iv) *Legislative research and publications*

Research was conducted, *inter alia*, on:

— Agrarian reform in certain countries of francophone Africa, Rome;

— Compendium of legislation of the countries members of the Subregional Fisheries Commission, Rome;

— Compendium of fisheries legislation on Lake Tanganyika;

— Legal aspects of the management of estuarine zones;

— Pesticide labelling and advertisement;

— Agrarian reform in certain countries of francophone Africa.

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

In 1987, FAO published the semi-annual *Food and Agricultural Legislation*. Annotated lists of relevant laws and regulations relating to food legislation were also published in the semi-annual *Food and Nutrition Review*.

3. UNITED NATIONS EDUCATIONAL, SCIENTIFIC AND CULTURAL ORGANIZATION

(a) Constitutional and procedural questions

At its twenty-fourth session, the General Conference, with regard to the Constitution of the Organization,³⁴¹ decided to add to paragraph 4 of article V a subparagraph (*d*) which reads as follows:

“(d) In the event of the withdrawal from the Organization of a Member State a national of which is a member of the Executive Board, that member’s term of office shall be terminated on the date the withdrawal becomes effective.”³⁴²

The General Conference also decided to add to paragraphs 2 and 4 of article XV the following phrases (indicated in italics):

“2. This Constitution shall remain open for signature in the archives of the Government of the United Kingdom. Signature may take place either before or after the deposit of the instrument of acceptance. No acceptance shall be valid unless preceded or followed by signature. However, a State that has withdrawn from the Organization shall simply deposit a new instrument of acceptance in order to resume membership.

“... ”

“4. The Government of the United Kingdom will inform all Members of the United Nations and the Director-General of the receipt of all instruments of acceptance and of the date on which the Constitution comes into force in accordance with the preceding paragraph.”³⁴³

(b) International regulations

Initial special reports by member States

At its twenty-fourth session, the General Conference, after considering the initial special reports submitted by member States on the action taken by them on the Revised Recommendation concerning the International Standardization of Statistics on the Production and Distribution of Books, Newspapers and Periodicals,³⁴⁴ adopted a general report³⁴⁵ embodying its comments on the action taken by member States and decided that the general report would be transmitted to member States, to the United Nations and to National Commissions, in accordance with article 19 of the rules of procedure concerning recommendations to member States and international conventions covered by the terms of article IV, paragraph 4, of the Constitution.

(c) Human rights

Examination of cases and questions concerning the exercise of human rights coming within UNESCO’s fields of competence

The Committee on Conventions and Recommendations met in private session at UNESCO headquarters from 4 to 7 May and 14 to 16 September 1987, in

order to examine communications which had been transmitted to it in accordance with Executive Board decision 104 EX/3.3.

At its spring session, the Committee examined 43 communications, of which 36 were examined with a view towards their admissibility, and 7 were examined on their substance. Of the 36 communications examined as to admissibility, none was declared admissible, 5 were declared irreceivable and 19 were struck from the list since they were considered as having been settled. The examination of 19 communications was suspended. The Committee presented its report to the Executive Board at its 126th session.

At its fall session, the Committee had before it 34 communications, of which 27 were examined as to their admissibility and 7 were examined on their substance. Of the 27 communications examined as to their admissibility, 1 was declared admissible, 5 were declared irreceivable and 4 were struck from the list since they were considered as having been settled or did not, upon examination of the merits, appear to warrant further action. The examination of 24 communications was suspended. The Committee presented its report on its examination of these communications to the Executive Board at its 127th session.

(d) Copyright and neighbouring rights

(i) *Universal Copyright Convention*

The Intergovernmental Committee of the Universal Copyright Convention³⁴⁶ held its seventh ordinary session (sitting together with the Executive Committee of the Berne Union) at Geneva from 22 to 30 June 1987.

The items on the agenda of the Committee alone included: (a) application of the Universal Copyright Convention; (b) legal and technical assistance to States to develop national legislation and infrastructures in the field of copyright; (c) study of the changes to be made to the rules of procedure of the Committee regarding distribution of seats in accordance with article XI of the Convention; (d) General Regulation for the Safeguarding of Works of Folklore; (e) General Regulation concerning the Safeguarding of Works in the Public Domain; and (f) partial renewal of the Committee. Topics on the common agenda of the two committees included: (a) membership of: (i) the Rome Convention;³⁴⁷ (ii) the Phonogram Convention;³⁴⁸ and (iii) the Satellite Convention;³⁴⁹ and acceptance of the Multilateral Convention for the Avoidance of Double Taxation of Copyright Royalties;³⁵⁰ (b) progress report on the Committees of Governmental Experts on Different Categories of Works; (c) developments in law and practice connected with the Transmission by cable of television programmes; (d) examination of Draft Guiding Principles concerning the Operation of "Droit de Suite"; (e) development in law and practice connected with the protection of computer programmes; (f) examination of the report of the Committee of Governmental Experts on Model Provisions for Literary Works; and (g) examination of the report of the Committee of Governmental Experts on Model Provisions for National Law on Employed Authors.³⁵¹

(ii) *Subcommittee of the Committee*

The Subcommittee of the Intergovernmental Committee of the Universal Copyright Convention, established at the second extraordinary session of the

Committee (1983), met at its second session at Geneva from 17 to 19 June 1987 to study prospective amendments to the Committee's rules of procedure,³⁵²

(iii) *International Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organizations (Rome Convention)*³⁵³

The eleventh ordinary session of the Intergovernmental Committee of the Rome Convention was held at Geneva from 1 to 3 July 1987. Among the agenda items were, *inter alia*: (a) membership of the Rome Convention, the Phonogram Convention and the Satellite Convention; (b) assistance and training for developing countries with a view to promoting the protection of the beneficiaries of the Rome Convention; and (c) problems arising with regard to the Rome Convention through developments in law and practice concerning transmission by cable and by satellite.³⁵⁴

(iv) *Safeguarding of folklore*

Having considered the findings of the Special Committee of Technical and Legal Experts on the Safeguarding of Folklore (UNESCO headquarters, Paris, 1-5 June 1987), the General Conference of UNESCO, at its twenty-fourth session, voted for the desirability of adopting a general international instrument in the form of a recommendation to regulate the subject.³⁵⁵

(v) *Safeguarding of works in the public domain*

Having examined the pertinent study and results of a consultation of specialists on the safeguarding of works in the public domain (UNESCO headquarters, Paris, 27-30 April 1987), the General Conference of UNESCO decided, at its twenty-fourth session, that the question should be regulated at the international level by means of a recommendation to member States.³⁵⁶

In continuation of the activities, undertaken jointly by UNESCO and WIPO and commenced in 1986, to consider the various copyright issues arising in relation to different categories of works *vis-à-vis* new technologies, three committees of governmental experts met with a view to devising certain "principles" which, together with comments, could afford guidance to the national governmental authorities in dealing with those issues. The categories of works dealt with by the three committees in 1987 were: (a) dramatic, choreographic and musical works (Paris, 11-15 May 1987);³⁵⁷ (b) works of applied art (Geneva, 5-9 October 1987);³⁵⁸ and (c) the printed word (Geneva, 7-11 December 1987).³⁵⁹ It may be recalled that while the categories of works dealt with by the three committees in 1986 were (a) audiovisual works and phonograms, (b) works of architecture and (c) works of visual art, the only remaining category of work in the series, namely, photographic works, will be examined by the seventh Committee in April 1988.

Finally, all the "principles" formulated by the above seven Committees will be synthesized and consolidated by the eighth Committee of Governmental Experts on the subject in June/July 1988.

4. INTERNATIONAL CIVIL AVIATION ORGANIZATION

(a) Legal meetings

A session of the Subcommittee of the Legal Committee was held at Montreal from 20 to 30 January 1987 to study the development of an instrument for the suppression of unlawful acts of violence at airports serving international civil aviation. The subject had been included by the Council in the general work programme of the Legal Committee as the subject of the highest priority pursuant to Assembly resolution A26-4.

As a result of its deliberations, the Legal Subcommittee prepared a draft text and indicated that the subject was ripe for consideration and final decision by the twenty-sixth session of the Legal Committee, and on 23 February the Council noted the report of the Legal Subcommittee.

The twenty-sixth session of the Legal Committee was held at Montreal from 28 April to 13 May 1987. In accordance with the directives issued by the Council, the main agenda item of the session was the subject "Development of an instrument for the suppression of unlawful acts of violence at airports serving international civil aviation". The Committee agreed not to address any other agenda items until the work on the main item had been completed; consequently, the Legal Committee did not address, *inter alia*, the item "Review of the general work programme of the Legal Committee".

The Legal Committee studied the subject of the highest priority on the basis of the report of the Legal Subcommittee and as a result of its discussions and deliberations prepared the text of a draft instrument for the suppression of unlawful acts of violence at airports serving international civil aviation. The Legal Committee considered that the text was ready for presentation to States as a final draft under the terms of Assembly resolution A7-6 and presented it to the Council for consideration and action under the terms of that resolution.

On 1 and 3 June, the Council noted the report of the Legal Committee and instructed the Secretary-General to circulate the draft prepared by the Legal Committee to States and international organizations for comments.

The Council decided, on 3 June, to convene in Montreal from 9 to 14 February 1988 an International Conference on Air Law to consider, with a view to approving, the texts for inclusion in a draft instrument for the suppression of unlawful acts of violence at airports serving international civil aviation as prepared by the Legal Committee at its twenty-sixth session.

(b) Legal aspects of aviation security

On 23 March, the Council considered a progress report on the action taken in the legal and related fields regarding the implementation of Assembly resolution A26-7: Consolidated statement of continuing ICAO policies related to the safeguarding of international civil aviation against acts of unlawful interference. The Council noted the increase of parties to the Convention on Offences and Certain Other Acts Committed on Board Aircraft,³⁶⁰ signed at Tokyo on 14 September 1963; the Convention for the Suppression of Unlawful Seizure of Aircraft,³⁶¹ signed at The Hague on 16 December 1970; and the Convention for the

Suppression of Unlawful Acts against the Safety of Civil Aviation,³⁶² signed at Montreal on 23 September 1971. These three aviation security conventions continue to rank among the most widely accepted multilateral international conventions.

The Council further noted the pertinent information on recent occurrences of unlawful interference received from States concerned pursuant to article 11 of the Hague Convention and article 13 of the Montreal Convention, as well as the information received on the domestic legislative implementation of those two Conventions.

Furthermore, the Council noted the information presented by Contracting States on cooperation with other States in the suppression of acts of unlawful interference with civil aviation in the different regions of the world, including information on practical instances and modalities of inserting into their bilateral air services agreements a clause on aviation security along the lines of the "model clause" recommended by the Council in its resolution of 25 June 1986.

5. WORLD HEALTH ORGANIZATION

(a) Constitutional and legal developments

The amendment to article 74 of the Constitution,³⁶³ adopted in 1978 by the thirty-first World Health Assembly, to include an Arabic version among the authentic texts of the WHO Constitution, was accepted by three further members, bringing the total number of acceptances to 34.

The amendments to articles 24 and 25 of the Constitution, adopted in 1986 by the thirty-ninth World Health Assembly, to increase the membership of the Executive Board from 31 to 32, were accepted by 23 further members, bringing the total number of acceptances to 30.

On 30 April 1987, WHO signed the 1986 Vienna Convention on the Law of Treaties between States and International Organizations or between International Organizations. Following its entry into force, WHO could become a party to the Convention by making an "act of formal confirmation".

(b) Health legislation

WHO continued to publish the *International Digest of Health Legislation*, a quarterly journal that reports on significant national and international developments in all aspects of health (including environmental) legislation. A French edition, the *Receuil international de législation sanitaire*, is also published. The *Digest* is, as it were, the conerstone of a global clearing house of materials, comprising both primary and secondary sources on health legislation in more than 25 languages. No less than 250 books and other publications are covered annually in various sections of the *Digest*. The information is regularly transmitted to WHO member States in response to specific and general requests for information.

WHO has been particularly active in compiling, monitoring, reporting on and analysing significant items of national and international legislation dealing

with the control of AIDS and HIV infection. The legislative response to this pandemic has been quite unprecedented. Among other documents, WHO has produced and disseminated regular annotated listings of relevant legislative texts (at the time of writing, the current list is contained in document WHO/GPA/HLE/88.1). Records have been likewise systematically maintained of AIDS- and HIV-related restrictions on international travel and immigration.

As and when requested, WHO cooperates with member States in the strengthening of national capacities in the field of health legislation, and consultant missions were carried out in a number of developing countries. An informal roster of consultants (regularly updated) is maintained at WHO headquarters in Geneva.

WHO commissioned and published *Guidelines for Assessing and Revising National Legislation on Treatment of Drug- and Alcohol-dependent persons*.³⁶⁴ A review paper entitled "The regulation of the advertising of alcoholic beverages: a survey of national legislation"³⁶⁵ was published in response to a perceived need for comparative information on this topic.

As in previous years, WHO's Regional Office for Europe, in Copenhagen, operated a computerized system for the notification of significant new health legislation in the countries of the region.

6. WORLD BANK

(a) International Bank for Reconstruction and Development Amendment of the Articles of Agreement

On 30 June 1987, the Board of Governors of the International Bank for Reconstruction and Development (the Bank) adopted a resolution amending article VIII(a) of the Bank's Articles of Agreement,³⁶⁶ which would increase the majority of the total voting power of members required to accept further amendments of the Articles from 80 to 85 per cent.

Article VIII of the Bank's Articles of Agreement establishes a two-stage procedure for amending the Articles. A proposed amendment must first be approved by the Board of Governors (by a majority of the votes cast) and thereafter must be accepted by the members. With the exception of amendments of a few provisions of the Articles which must be accepted by all members, amendments must be accepted by three fifths of the members having four fifths (i.e., 80 per cent) of the total voting power.

Upon the adoption of the resolution, the Secretary of the Bank sent a communication to the members asking them whether they accepted the amendment. Pursuant to the Articles and the resolution, the amendment will come into force for all members on a date three months after the date of the formal communication by which the Bank notifies the members that the amendment has been accepted by the majority of the members required by the Articles as currently in force.

(b) Multilateral Investment Guarantee Agency Conference
of Interested Countries

The Convention Establishing the Multilateral Investment Guarantee Agency (MIGA) was opened for signature on 11 October 1985. The Convention provides that it will enter into force upon its ratification by at least 5 "Category One" (i.e., developed) countries and 15 "Category Two" (i.e., developing) countries, subscribing not less than one third of the Agency's initial authorized capital. However, the allocation of shares of the Agency's capital set forth in schedule A to the Convention is limited to "original members" (article 6 of the Convention), and this term is defined as countries which become a party to the Convention on or before 30 October 1987 (article 4(b) of the Convention).

The text of the Convention was formulated by the Executive Directors of the Bank, and the Convention was approved for transmittal to the member Governments of the Bank and Switzerland for signature by the Board of Governors of the Bank. Pursuant to article 63 of the Convention, the Bank acts as depositary of the Convention. The Convention also provides that if it has not entered into force within two years of its opening for signature, the President of the Bank shall convene a conference of interested countries "to determine the future course of action" (article 61(d) of the Convention). The conference provides a mechanism for dealing with questions, such as the one concerning the continued validity of schedule A, which may arise in connection with delays in the entry into force of the Convention.

By 7 October 1987, 62 countries, including 12 developed countries, had signed the Convention. Of the signatory countries, 15 developing countries had ratified it, but only 3 developed countries had done so. It was understood at the time that some developed countries would deposit their instrument of acceptance shortly, but that, even if these ratifications were taken into account, the subscriptions of the ratifying countries would fall some 10 per cent short of the necessary capital subscriptions required for the Convention to enter into force.

Pursuant to article 61(d) of the Convention, the President of the Bank convened a Conference of Interested Countries on 30 October 1987. Representatives of 71 signatory and other interested countries participated in the Conference. The President of the Bank submitted a memorandum to the Conference, to which was attached a draft resolution. The Conference unanimously adopted the resolution.

*Memorandum submitted to the Conference of Interested Countries
convened under article 61(d) of the MIGA Convention*

1. Pursuant to article 61(d) of the Convention Establishing the Multilateral Investment Guarantee Agency (MIGA), the President of the International Bank for Reconstruction and Development has called a Conference of Interested Countries to determine the future course of action since the Convention has not entered into force by 11 October 1987. The Conference will meet in Washington, D.C. on 30 October 1987, the date on which the share allocations set out in the Convention for original members of MIGA would lapse unless the Conference of Interested Countries maintains the validity of such allocations beyond that date.

2. Attached is a draft resolution suggested for adoption by the Conference at its meeting. Under this resolution, the Conference would determine that: (i) the

allocation of shares set out in the Convention shall remain valid for countries which ratify the Convention on or before a date in the spring of 1988, such countries to be considered original members of MIGA and (ii) the President of the Bank shall call a second meeting of the Conference of Interested Countries if the Convention has not yet entered into force by the selected date so that it may consider the course of action required to accelerate the entry into force of the Convention.

3. As indicated in the draft, the Conference would, in adopting such a resolution, be exercising the powers conferred upon it by article 61 (d) to provide practical solutions to questions arising in connection with any delay in the entry into force of the Convention. While one such solution might take the form of the measure outlined in paragraph 2 (i) above, this would not constitute a change of the rights and duties of the parties to the MIGA Convention. It should not therefore require the initiation of fresh internal ratification procedures by those countries which have already ratified the Convention. The Bank as depositary of the Convention would not require further instruments of ratification from such countries, nor would it require any other form of confirmation of such countries' prior ratification. In the unlikely event that the Convention does not enter into force by the selected date in spring 1988, interested countries might decide on such other measure or measures as might be required to accelerate the entry into the force of the Convention.

MULTILATERAL INVESTMENT GUARANTEE AGENCY
THE CONFERENCE OF INTERESTED COUNTRIES

The Conference of Interested Countries convened pursuant to section (d) of article 61 of the Convention Establishing the Multilateral Investment Guarantee Agency (the Convention),

Realizing that the allocation of shares set out in schedule A to the Convention, which applies to original members of the Multilateral Investment Guarantee Agency (the Agency), would lapse on 30 October 1987,

Noting that the Convention has not entered into force by the above-mentioned date, and

Desiring to maintain, beyond that date, the allocation of shares provided for in said schedule,

Determines, in the exercise of the power conferred upon it by section (d) of Article 61 of the Convention, that:

(1) The allocation of shares set out in schedule A to the Convention shall remain valid for countries which ratify, accept or approve the Convention on or before 30 April 1988; such countries shall be considered original members of the Agency when the Convention enters into force in respect thereof; and

(2) If it appears that the Convention shall not enter into force by 30 April 1988, the President of the International Bank for Reconstruction and Development shall reconvene the Conference of Interested Countries so that it may consider the course of action required to accelerate the entry into force of the Convention.

(c) International Centre for Settlement of Investment Disputes

(i) *Signatory States and Contracting States*

During 1987, Turkey signed the Convention on the Settlement of Investment Disputes Between States and Nationals of Other States (the ICSID Convention),³⁶⁸ bringing the total number of signatory States to 97. Also during 1987, Hungary ratified the ICSID Convention and became the eighty-ninth Contracting State.³⁶⁹

(ii) *Disputes before the Centre*

In the course of 1987, the Secretary-General registered requests for arbitration in the following cases:

(a) *Société d'Études de Travaux et de Gestion SETIMEG S.A. v. Republic of Gabon* (case ARB/87/1);

(b) *Mobil Oil Corporation, Mobil Petroleum Company Inc. and Mobil Oil New Zealand Limited v. New Zealand Government* (case ARB/87/2);

(c) *Asian Agricultural Products Limited v. Democratic Socialist Republic of Sri Lanka* (case No. ARB/87/3);

(d) *Occidental of Pakistan Inc. v. Islamic Republic of Pakistan* (case ARB/87/4).

In addition, the Secretary-General registered in 1987 requests for submission to a new ICSID tribunal of the dispute in *Amco/Indonesia* (case ARB/81/1), following the annulment in 1986 of the award previously rendered in that case.

As of 31 December 1987, there were eleven pending ICSID proceedings, more than at any time before. These included the five cases mentioned above and the following six further arbitrations:

(a) *Klöckner/Cameroon* (resubmission) (case ARB/81/2);

(b) *Société Quest Africaine des Bétons Industriels v. State of Senegal* (case ARB/82/1);

(c) *Colt Industries Operating Corp., Firearms Division v. Government of the Republic of Korea* (case ARB/84/2);

(d) *SPP (Middle East) v. Arab Republic of Egypt* (case ARB/84/3);

(e) *Maritime International Nominees Establishment v. Republic of Guinea* (case ARB/84/4);

(f) *Dr. Ghait R. Pharaon v. Republic of Tunisia* (case ARB/86/1).

7. INTERNATIONAL MONETARY FUND

(a) Enhanced Structural Adjustment Facility

In December 1987, the Executive Board of the Fund established a new concessional lending facility known as the Enhanced Structural Adjustment Facility (ESAF). This facility is expected to provide new resources totalling SDR 6 billion

in addition to resources available from the Fund's Special Disbursement Account for helping the Fund's poorest member countries undertake strong three-year macroeconomic and structural adjustment programmes to strengthen substantially and in a sustainable manner their balance of payments position and to foster growth.

The Executive Board decided to establish at the same time the Enhanced Structural Adjustment Facility Trust, which would provide loans under the ESAF, normally in conjunction with loans under the Structural Adjustment Facility (SAF), on concessional terms, to low-income developing members that qualify for assistance.

The ESAF retains much of the basic operational structure of the existing SAF, which was established in March 1986. Specifically, the list of eligible members is the same as under the SAF. Members' access under the ESAF will be financed from the new resources as well as amounts available under the existing SAF. Access under the ESAF will be determined for each individual member on the basis of its balance of payments need and the strength of its adjustment effort, with the initial maximum limit for each eligible member at 250 per cent of the member's quota. This maximum limit may be increased in exceptional circumstances up to 350 per cent of the member's quota.

Like SAF programmes, ESAF programmes will be based on a policy framework paper (PFP) which outlines the authorities' medium-term economic objectives and priorities. The policy framework paper is developed by the member with the assistance of the staffs of both the Fund and the World Bank working in close collaboration; it includes an assessment of the social impact of the proposed policy measures as well as of the country's financing needs and possible sources of financial support.

Repayment of each loan under the ESAF will take place in 10 equal semi-annual instalments, beginning 5 1/2 years and ending 10 years from the date of disbursement. Interest on the outstanding balance of each loan shall be charged at the rate of one half of one per cent per annum. The interest on ESAF Trust loans shall be kept under review in the light of the availability of the interest subsidy contributions from donor countries.

(b) Structural Adjustment Facility

In July 1987, the Executive Board decided to increase the potential access of eligible members to the resources of the SAF from 47 per cent to 63.5 per cent of their quotas in the Fund over the three-year arrangement period. While disbursements for the first year would not exceed 20 per cent of quota, disbursements for the second year, which would be made at the request of the member upon approval of the annual arrangement for that year, would be not more than 30 per cent of quota. The balance would be made available at the request of the member upon approval of the third annual arrangement.

(c) Policy on enlarged access

The Executive Board in December 1987 completed its review of the policy on enlarged access and decided to extend the policy for a further 12-month period ending 31 December 1988. Under this decision, access by members to the Fund's

general resources under arrangements approved under the policy on enlarged access during 1988 would continue to be subject to annual limits of 90 to 110 per cent of quota, three-year limits of 270 or 330 per cent of quota, and cumulative limits, net of scheduled repurchases, of 400 or 440 per cent of quota, depending on the seriousness of the member's balance of payments need and the strength of its adjustment efforts.

The annual and triennial limits are not regarded as targets. Within these limits, the amounts of access in individual cases vary according to the circumstances of the member. Also, the Fund would continue to be able to approve standby and extended arrangements that provide for amounts in excess of these access limits in exceptional circumstances.

(d) Burden sharing and adjustment in the rate of charge
and rate of remuneration

In February 1987, the Executive Board reviewed the operation of the decision adopted in July 1986 on principles of "burden sharing", the income target for fiscal years 1987 and fiscal years 1988, the rate of charge, and the rate of remuneration, and decided: (a) that the adjustment in the rate of charge for the quarter ended 31 January 1987 would be limited so as to generate an amount equal to the amount generated through the reduction in remuneration for that quarter to cover deferred charges; (b) that the resulting shortfall would be considered deferred income in the quarter ending 30 April 1987; and (c) that the rate of charge and the rate of remuneration would be adjusted with respect to *this amount for the period from 7 February 1987 to the end of the quarter*. The Executive Board also decided in June 1987 that an amount of SDR 20,690,531 would be used to reduce retroactively for financial year 1987 the rate of charge referred to in rule I-6(4).

In view of the existing overdue obligations to the Fund, the Executive Board decided in June 1987 to establish a Special Contingent Account, which is recorded separately in the Fund's financial statements, and an amount of SDR 26,547,074 was placed in that account for fiscal year 1987. When the account is no longer needed, this amount will be distributed to creditors and debtors for that year in accordance with the principles of burden sharing.

(e) SDRs

The Executive Board decided in July 1987 to simplify operations with respect to payment of obligations to the Trust Fund established in 1976 by permitting the use of SDRs, in addition to United States dollars, as a medium of payment of Trust Fund obligations. Such use of SDRs required the amendment of three existing decisions and the prescription of a new operation in SDRs. The Executive Board decided that a participant, by agreement with a prescribed holder and at the instruction of the Fund, could transfer SDRs to the prescribed holder in repayment of Trust Fund loans, in payment of interest on Trust Fund loans and in payment of special charges in respect of overdue repayments and interest on Trust Fund loans.

(f) General arrangements to borrow

The Executive Board in November 1987 renewed its decision on the general arrangements to borrow (GAB) for the five-year period from 26 December 1988 to 25 December 1993. The GAB entered into force on 24 October 1962 for an initial period of four years. It was renewed, without modification, for a period of four years from 1966, and for further periods of five years from 1970, 1975 and 1980. In response to emerging strains in the international financial system, the GAB participants and the Fund agreed on 26 December 1983 on a revision and enlargement of the GAB from the equivalent of about SDR 6.4 billion to the present total of SDR 17 billion.

(g) Supplementary financing facility subsidy account

In August 1987, the Executive Board decided, in accordance with section 10 of the Instrument establishing the Supplementary Financing Facility Subsidy Account, that additional subsidy payments should be made with respect to charges paid on holdings of currency referred to in section 7 of the Instrument for the period from 1 July 1985 through 30 June 1986 and subsidy payments for 1 July 1986 through 30 June 1987.

The Subsidy Account was established in 1980 to reduce the cost to eligible low-income developing members using the Fund's resources under the Supplementary Financing Facility. It is being financed mainly from repayments of Trust Fund loans and from voluntary contributions in the form of donations.

8. UNIVERSAL POSTAL UNION³⁷¹

The Universal Postal Union has continued to study the legal and administrative problems entrusted to the Executive Council by the 1987 Hamburg Congress. Among the most important problems likely to be of interest to other organizations, mention should be made in particular of the following studies:

(a) *International postal regulations*

On the basis of the study conducted by the International Bureau, the Executive Council will suggest to the 1989 Universal Postal Congress that it should confirm the discretionary power of the Congress to review the Acts of the Union every five years, while conferring on the Executive Council legislative competence to review the implementation regulations and the treatment of proposals to amend such implementation regulations as the Congress will not have seen fit to consider itself.

(b) *Duration of the Congress*

The Executive Council took note of the International Bureau's very tentative assessment of the impact of the new procedures on the duration of both the Congress (a reduction of three to three and a half days) and the Executive Council

(extended from six to seven days). The final decision on the new procedures will depend on the Congress, which might choose to refer a few or many proposals to the Executive Council.

(c) *Contacts with international organizations representing customers of the postal service*

In view of the exhaustive replies received by the International Bureau from four of the six organizations consulted about their concerns in the area of postal services, the Executive Council decided to let contracts with international organizations representing customers of the postal service develop at the level of the Council itself or at the level of the Consultative Council for Postal Services, depending upon the circumstances, without excluding either body.

(d) *Credentials of delegates to the Congress*

In order to overcome the difficulties encountered at the previous Congresses, the Executive Council instructed the International Bureau to:

— Prepare model credentials which would be attached to invitations to the Congress;

— Draw the attention of the ministries of foreign affairs of member countries to the special requirements of UPU with respect to credentials (especially the authorization to sign);

— Take measures to speed up the deposit of credentials so as to enable the secretariat to prepare the documents for the Credentials Committee in a timely fashion;

— Make arrangements for the Credentials Committee to meet immediately after the opening of the Congress and to submit its initial report during the first week of the Congress.

(e) *Function of depository of the Acts of the Union and intervention of the Government of Switzerland in cases of accession and admission to the Union and withdrawal from the Union*

The Executive Council is of the opinion that this function should henceforth be exercised by the International Bureau, as is the practice of other specialized agencies of the United Nations system without, however, using Swiss diplomatic channels as the International Telecommunication Union does.

(f) *Inviting applications for the posts of Director-General and Assistant Director-General of the International Bureau*

The Executive Council will suggest to the 1989 Congress that it should transfer this function to the International Bureau, as is the practice of other specialized agencies of the United Nations system.

(g) *Introduction of the international high-speed mail service (EMS)*

In compliance with the provisions of article 102, paragraph 6 (r), of the General Regulations, the Executive Council adopted the Framework Agreement on EMS items and the draft recommendations on the transitional provisions governing the operation of EMS.

9. INTERNATIONAL MARITIME ORGANIZATION

(a) Membership of the Organization

On 6 May 1987, Bolivia became the 131st member of IMO, in accordance with article 5 of the IMO Convention.³⁷² An application for membership by Monaco, in accordance with article 7 of the Convention, was recommended to the members of the Organization by the Council in 1986 and is currently under consideration by them. As at 31 December 1987, 53 member States had expressed their approval of the application.

(b) Combating international terrorism

In pursuance of General Assembly resolution 40/61 of 9 December 1985, in which the Assembly had, *inter alia*, requested IMO "to study the problem of terrorism aboard or against ships with a view to making recommendations on appropriate measures", the Council of IMO established an ad hoc Preparatory Committee on the Suppression of Unlawful Acts against the Safety of Maritime Navigation and entrusted it with the preparation of appropriate draft treaty instruments. The ad hoc Preparatory Committee convened in 1987 and finalized a draft Convention on the Suppression of Unlawful Acts against the Safety of Maritime Navigation and a draft Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf.³⁷³ In accordance with a decision of the Council, these two draft treaty instruments were submitted to the Legal Committee of IMO for consideration and comment.³⁷⁴ The Assembly, at its fifteenth session, in November 1987, endorsed the convening of a diplomatic conference early in 1988 to consider and adopt the two draft treaties.

(c) Salvage

The Legal Committee completed work on draft articles for a Convention on Salvage³⁷⁵ and the Assembly, at its fiftieth session in November 1987, decided to convene in 1989 a diplomatic conference to consider and adopt the draft Convention.

(d) Liability for damage caused by hazardous and noxious substances

The Legal Committee held a general exchange of views on possible future work on a convention on liability for damage caused by the maritime carriage of hazardous and noxious substances and decided to retain the item on its work programme for future consideration.

(e) Carriage of passengers and their luggage

The Council decided that consideration should be given on a priority basis to a possible revision of the Athens Convention relating to the Carriage of Passengers and their Luggage by Sea, 1974. The Legal Committee, in giving initial consideration to the matter, decided that the revision of the 1974 Athens

Convention should be of limited scope. Accordingly, the revision is to be restricted to the adoption of increased amounts of limitation of liability and to the introduction of a rapid system of amendment for the future alteration of such amounts. Substantive work on the revision of the Convention will be taken up by the Legal Committee in 1988.

(f) Law of the sea

The Legal Committee and the Assembly took note of a study prepared by the secretariat regarding the implications of the 1982 United Nations Convention on the Law of the Sea for the International Maritime Organization.³⁷⁶

(g) Offshore installations and structures

The Assembly, at its fifteenth session in November 1987, adopted a resolution on measures to prevent infringement of safety zones around offshore installations or structures.³⁷⁷ Moreover, the Maritime Safety Committee was engaged in the elaboration of guidelines and standards for the removal of offshore installations and structures on the continental shelf and in the exclusive economic zone; they will be finalized in 1988.

(h) Maritime liens and mortgages

On the basis of the terms of reference adopted by the Trade and Development Board of UNCTAD and the Council of IMO, the Joint Intergovernmental Group of Experts on Maritime Liens and Mortgages and Related Subjects progressed with work on the elaboration of draft articles for a convention on maritime liens and mortgages.³⁷⁸

10. INTERNATIONAL FUND FOR AGRICULTURAL DEVELOPMENT

(a) Cooperation with intergovernmental organizations

In accordance with article 8.2 of the Agreement Establishing IFAD,³⁷⁹ IFAD signed a Cooperation Agreement on 6 October 1987³⁸⁰ with the Inter-American Institute for Cooperation on Agriculture (IICA), an autonomous intergovernmental agency of the Organization of American States. The Cooperation Agreement aims at cooperation between IFAD and IICA in order to facilitate the attainment of common objectives and to promote a harmonious approach to agricultural development, rural development, food production and nutrition in Latin American countries of common membership. To this end, IICA may assist IFAD in the identification, preparation and approval of suitable projects for financing by IFAD. In addition, IICA may provide technical assistance or any other suitable type of assistance for IFAD-financed projects. IICA may also undertake to organize, implement and evaluate courses, workshops and other activities related

to training and exchange of experience relating to Latin American countries. IICA may also accept responsibility for carrying out supervision missions on behalf of IFAD for projects receiving IFAD's assistance, or participate in such missions along with IFAD. Any such activity to be undertaken by IICA under the Cooperation Agreement will be at the request of IFAD.

(b) Cooperation with non-governmental organizations

Non-governmental organizations (NGOs) have been successfully involved in the fight against rural poverty for some time now, especially by influencing the nature and scope of development strategies and the techniques of project design, as well as by supporting national economic development processes through various public groups and gatherings. Recognizing the importance of the role of NGOs in the development process, the Executive Board of IFAD, at its twenty-ninth session, held from 2 to 5 December 1986, decided to strengthen cooperation between IFAD and such national and international NGOs as share its aims and objectives in respect of the projects financed by IFAD.³⁶¹ As a sequel to that decision, at its thirtieth session, in April 1987, the Executive Board of IFAD approved the establishment of a Special Funding Mechanism (SFM) from the regular resources of IFAD in order to provide project preparation grant financing to NGOs on a selected basis so as to enable them to undertake various types of pilot activities which could serve as a basis for subsequent investment programmes by IFAD. The Executive Board also decided that the SFM was to be matched on a 1:2 ratio by IFAD and contributions of donors (both governmental and non-governmental).

Subsequently, IFAD's Executive Board, at its thirty-first session in September 1987, decided:

(a) To authorize the President, for the financing of the activities under the IFAD/NGO Extended Cooperation Programme (ECP), to approve grants, not exceeding US\$ 75,000 each, from IFAD's regular resources allocated earlier for the purpose of financing technical assistance grants,³⁶² provided that the host member State concerned has consented to the activity to be financed and the NGO concerned has provided or has confirmed that it will provide appropriate material or financial support for the effective and successful implementation of the project;

(b) To authorize the President to conclude, after consultation with the Government hosting the activity, the donors and the non-governmental organizations involved, such arrangements as he may consider appropriate to accomplish the objectives of the ECP.³⁶³

To improve the economic lot of the rural poor more effectively often requires new institutional mechanisms in areas such as rural credit, technology adaptation and farming systems, among others, and adequate field-level testing is therefore an important pre-condition for their wider adoption. Consequently, the pilot activities related to these sectors of rural economy would be inserted in appropriate projects by IFAD under the ECP arrangement with NGOs and would include:

(a) Testing new technologies which have special advantages to the poorest people, who are the planned beneficiaries of IFAD projects;

(b) Testing new institutional approaches in the various sectors and sub-sectors in which IFAD is concerned in order to ascertain their relevance, acceptability and durability;

(c) Training programmes for beneficiaries and for extension personnel for the improved management of their resources through more effective systems of organization, such as farmers' groups, water users' associations and other forms of grass-roots networks.³⁸⁴

(c) Implementation of article 6, section 8(b) of the Agreement Establishing IFAD

At its tenth session held from 9 to 12 December 1986, the Governing Council of IFAD amended article 6, section 8(a) of the Agreement Establishing IFAD. Through the amendment, which entered into force on 11 March 1987, the duration of the term of office of the President of IFAD was extended from the original three-year to a four-year period. In order to enable the Governing Council to extend the term of office of an incumbent president for any future exigency, the following new subparagraph (b) was added in section 8:

“(b) Notwithstanding the restriction on the term of office of the President of four years, contained in paragraph (a) of this section, the Governing Council may, under special circumstances, on the recommendation of the Executive Board, extend the term of office of the President beyond the duration prescribed in paragraph (a) above. Any such extension shall be for no more than six months.”

The incumbent President of IFAD commenced his first term of office on 19 November 1984. His first term of office was due to expire on 18 November 1988, just over two months prior to the dates on which the Executive Board of IFAD had decided to convene the twelfth session of the Governing Council, from 24 to 27 January 1989. In order to avoid the office of the President remaining vacant from 19 November 1988 until the person appointed by the Governing Council at its twelfth session assumes the office, the Executive Board, at its thirty-second session, held from 1 to 4 December 1987, recommended that the Governing Council take action under article 6, section 8(b) of article 6 of the Agreement Establishing IFAD, which the Governing Council did through the adoption of a resolution, the operative parts of which read as follows:

“(a) The incumbent President of IFAD, Idriss Jazairy, shall continue to perform the duties of his office until the date the person appointed to the position of the President by the Governing Council at its twelfth session is able to assume the office;

“(b) The incumbent President shall perform his duties until the date referred to in paragraph (a) above on the same terms and conditions of service as are applicable to him on the date of the adoption of this resolution.”³⁸⁵

(d) Project Evaluation Committee

Rule 11.1 of the rules of procedure of the Executive Board authorizes it to “establish committees and other subsidiary bodies from its members and refer to them a question for study and report. The President, with the approval of the

Board, shall appoint members of such bodies. Each committee shall elect its chairman." Accordingly, at its thirty-second session, the Executive Board, after considering the proposal to establish an Evaluation Committee of the Executive Board, took the decision to establish the Committee for an initial period of two years, with a representative of three members from each of categories I, II and III, respectively, and a Chairman. The purpose of the Committee is to assist the Executive Board in its review of completed projects, with a view to drawing lessons from past projects to improve future projects, through an in-depth analysis of a selected number of projects and cross-cutting studies.³⁸⁶

(e) High-level Intergovernmental Committee on IFAD's future financial basis and structure and the Third Replenishment

Since 1983, IFAD's operations have been adversely affected by the shortage of resources. This difficulty, coupled with prolonged negotiations for the Second Replenishment, which were completed in January 1985, brought into focus the need for a review of IFAD's financial basis in order to achieve a more stable future for IFAD. This led the Governing Council, at its tenth session in December 1986, to adopt resolution 45/X establishing a High-level Intergovernmental Committee, consisting of a maximum number of representatives of 12 IFAD members for each of categories I, II and III, respectively, to discuss all issues related to the future financial basis and structure of IFAD. Resolution 45/X called for the Committee to meet under the chairmanship of the President of IFAD and to submit a report on its preliminary findings on the future financial basis and the structure to the eleventh session of the Governing Council through the Executive Board. The Committee met in 1987 on: 3 and 4 March; 29 and 30 June; 5 to 7 October and 1 December. A report of the Chairman on the preliminary findings of the Committee on IFAD's future financial basis was submitted to the Governing Council at its eleventh session in January 1988.³⁸⁷ In view of the proposals that still need consideration, the Governing Council at its eleventh session extended the mandate of the Committee in order to enable it to continue its deliberations on various ways of strengthening the future financial basis of IFAD.³⁸⁸

Governing Council resolution 45/X establishing the High-level Committee also stipulated that the Committee should give priority attention to those issues which had an immediate impact on the Third Replenishment of IFAD's resources. The Second Replenishment period of IFAD's resources ended on 31 December 1987.

In order to commence work on the Third Replenishment, the Governing Council, at its eleventh session, in response to the recommendation of the Committee, established a committee called the Consultation on the Third Replenishment of IFAD's resources to discuss all aspects of the Third Replenishment.³⁸⁹ The Consultation is required to consider, *inter alia*, the following issues related to the Third Replenishment of IFAD's resources:

- (a) The level of the Third Replenishment of IFAD's resources;
- (b) The period of the Third Replenishment of IFAD's resources;
- (c) The respective category and member country contributions to the Third Replenishment of IFAD's resources;

- (d) The conditions of effectiveness for the Third Replenishment of IFAD's resources;
- (e) Provision for commitment limitations;
- (f) Payment arrangements;
- (g) Any other relevant matters related to the Third Replenishment of IFAD's resources.

(f) Mobilization and use of non-convertible
currency contributions

Article 5, section 1(b), of the Agreement Establishing IFAD reads as follows:

“(b) The currency of a Member in Category III paid to the Fund on account of that Member's initial or additional contributions may be used by the Fund, in consultation with the Member concerned, for the payment of administrative expenditures and other costs of the Fund in the territories of that Member, or, with the consent of that Member, for the repayment of goods or services produced in its territories and required for activities financed by the Fund in other States.”

The report of the Chairman on the preliminary findings of the High-level Intergovernmental Committee on IFAD's future financial basis and structure, established by the Governing Council to review proposals on IFAD's future financial basis and structure, contained in document GC 11/L.7, had recommended, *inter alia*, that IFAD take steps to facilitate the use of the contributions of members of category III made in their own currencies, which are not freely convertible. The Governing Council of IFAD noted the great potential for the promotion of South-South cooperation through the mobilization and use of the available non-convertible currency contributions of members of category III and adopted a resolution⁹⁰ on the use of the non-convertible currency contributions of category III countries. The operative part of the resolution reads as follows:

“The Governing Council

Decides that, taking into account national legal procedures of the contributor and the operational policies and procedures of the Fund:

- I. The initial or additional contributions of a Member of Category III paid in its own, non-convertible, currency may be used by the Fund, in accordance with article 5, section 1(b), of the Agreement:
 - (a) In consultation with the contributing Member concerned for the payment of administrative expenditures and other local costs of the Fund in the territories of that Member, which shall include the purposes set out in items (i) to (vii) inclusive of attachment A hereto; or
 - (b) With the consent of the contributing Member concerned for the payment of goods or services produced in its territories and required for activities financed by the Fund in other States, which shall include the purposes set out in items (viii) and (x) inclusive of attachment A hereto.
- II. The consultation shall be in the form of a prior notification by the Fund to that Member of the intended use or uses of the non-

convertible currency contribution of the Member Country. Such available amounts as may be requested by the Fund to be paid from the available non-convertible currency contribution of any Member of Category III for the purposes specified in items (i) to (vii) inclusive of attachment A shall be released promptly after this consultation, subject only to the normal administrative and financial clearance of its central bank or such other bank with which the contributions may be deposited.

- III. The use by the Fund of the non-convertible currency contributions of Members in Category III for the purposes specified in items (viii) to (x) inclusive of attachment A, which require the consent of the contributing Member concerned as referred to in paragraph 1(b) above, shall require the specific request of the Fund to the contributing Member concerned for its consent.”

The attachment to the Governing Council resolution on the uses of non-convertible currency contributions (NCC) reads as follows:

“THE USES OF NON-CONVERTIBLE CURRENCY CONTRIBUTIONS OF IFAD’S CATEGORY III MEMBERS

- A. *NCC uses which should require only consultation with Member Governments under article 5, section 1(b), of the Agreement Establishing IFAD*
- (i) Research grants for activities carried out by international and regional centres in the Member State providing the NCC;
 - (ii) Technical assistance grants for project preparation and other related activities in the Member State providing the NCC;
 - (iii) Training programmes, seminars and workshops in the Member State providing the NCC;
 - (iv) The cost of Governing Council and Executive Board meetings that may be held, in accordance with the relevant rules of procedure, outside of Italy in the Member State providing the NCC;
 - (v) The printing of IFAD publications in the Member State providing the NCC;
 - (vi) Identification, preparation, appraisal, supervision and monitoring and evaluation costs incurred in the Member State providing the NCC;
 - (vii) Institution-building activities, including support for non-governmental organizations in the Member State providing the NCC.
- B. *NCC uses which should require the consent of Member Governments under article 5, section 1(b), of the Agreement Establishing IFAD*

- (viii) Local cost financing for project components financed by IFAD in the Member State providing the NCC;
 - (ix) Local procurement of goods and services in Member States for projects financed by IFAD in other Member States or goods and services for the use of IFAD;
 - (x) Currency exchanges/swaps with other organizations.”
-

11. INTERNATIONAL ATOMIC ENERGY AGENCY

(a) Amendment to article VI.A.1 of the IAEA Statute³⁹¹

During 1987, seven more member States — Algeria, Cuba, Czechoslovakia, Federal Republic of Germany, Iceland, Nigeria and Turkey — accepted the amendment, bringing the total number of acceptances to 50. The amendment will enter into force when it has been accepted by two thirds of all member States.

(b) Convention on the Physical Protection of Nuclear Material³⁹²

The Convention was signed by one more State — Switzerland — and ratified by two more States — Australia and Switzerland.

Pursuant to its article 19.1, the Convention entered into force on 8 February 1987 following the deposit of the twenty-first instrument of ratification, acceptance or approval (Switzerland). By the end of 1987, 46 States and 1 regional organization — EURATOM — had signed the Convention and 22 States were parties to it.

(c) Convention on Early Notification of a Nuclear Accident³⁹³

The Convention was signed by 14 more States — Algeria, Cameroon, Iraq, Japan, Malaysia, Mongolia, Nigeria, Senegal, Sierra Leone, South Africa, Syrian Arab Republic, Thailand, Tunisia, Yugoslavia. Fifteen more States expressed consent to be bound by it — Australia, Byelorussian SSR, China, German Democratic Republic, Hungary, Japan, Jordan, Malaysia, Mongolia, New Zealand, South Africa, Sweden, Ukrainian SSR, United Arab Emirates and Viet Nam.

By the end of 1987, 72 States had signed the Convention and 19 States had become party to it.

(d) Convention on Assistance in the Case of a Nuclear Accident or Radiological Emergency³⁹⁴

The Convention was signed by 13 more States³⁹⁵ and 14 more States expressed consent to be bound by it.³⁹⁶

The Convention entered into force on 26 February 1987 pursuant to article 14.3 thereof. By the end of 1987, 71 States had signed it and 15 States had become parties.

(e) Civil liability for nuclear damage

The IAEA, in cooperation with the OECD Nuclear Energy Agency (NEA), continued its consideration of the question of establishing a formal link between the 1963 Vienna Convention on Civil Liability for Nuclear Damage³⁹⁷ and the 1960 Paris Convention on Third Party Liability in the Field of Nuclear Energy.³⁹⁸ A meeting of governmental experts, convened at Vienna by the two organizations in October 1987, adopted by consensus the text of a draft joint protocol to the two Conventions. It envisages the extension of the liability regime established under each Convention to the parties of the other Convention and provides for the prevention of possible conflicts of law which may arise from the simultaneous application of the Conventions to a nuclear incident. The meeting of governmental experts referred the draft joint protocol for endorsement to the IAEA Board of Governors and the NEA governing body together with a recommendation that a conference be convened jointly by the two organizations in 1988 in conjunction with the thirty-second regular session of the IAEA General Conference for the purpose of adopting the joint protocol and opening it for signature.

(f) Advisory services in nuclear legislation

As part of the IAEA Technical Cooperation Programme, advice on nuclear legislation, covering, *inter alia*, nuclear liability and compensation for nuclear damage, the physical protection of nuclear material and the safe transport of nuclear material was provided to China. Additionally, advice on nuclear legislation and regulatory activities was provided to Morocco and Tunisia to supplement the advice provided in 1986.

(g) Safeguards

During 1987, a Safeguards Agreement concluded pursuant to the Treaty on the Non-Proliferation of Nuclear Weapons³⁹⁹ with Brunei Darussalam entered into force, bringing to 81 the total number of non-nuclear-weapon States with agreements in force pursuant to the Non-Proliferation Treaty and/or the Treaty of Tlatelolco.⁴⁰⁰ In addition, a Safeguards Agreement was also concluded with Chile,⁴⁰¹ bringing to 166 the total of safeguards agreements with the IAEA.

(h) Agreements relating to nuclear safety

In late 1987, IAEA member States were requested by the Secretariat to provide it with copies of bilateral, regional and multilateral agreements on cooperation in the field of nuclear safety to which they were parties. The Agency plans to publish a compilation of the texts in its Legal Series.

12. UNITED NATIONS INDUSTRIAL DEVELOPMENT ORGANIZATION

In addition to providing legal advice and assistance to the principal organs of UNIDO, the Director-General and various departments in the organization,⁴⁰² the

Legal Service of UNIDO continued to deal with subjects related to the completion of the conversion of UNIDO into a specialized agency. These activities can be summed up as follows:

(a) Constitutional matters

In 1987, three States became members of UNIDO either by ratifying the Constitution⁴⁰³ (Costa Rica) or by acceding to it (Saint Vincent and the Grenadines, Vanuatu), bringing the membership in UNIDO to 150 at the end of 1987.

(b) Agreements with intergovernmental, non-governmental, governmental and other organizations

Based on the Guidelines regarding Relationship Agreements with Organizations of the United Nations System other than the United Nations, and with other Intergovernmental and Governmental Organizations, and regarding Appropriate Relations with Non-governmental and Other Organizations, adopted by the General Conference,⁴⁰⁴ UNIDO concluded the following agreements:

(a) At its third session the Industrial Development Board approved the draft agreement with the International Atomic Energy Agency,⁴⁰⁵ which was signed on 9 October 1987 and entered into force through a Protocol of the same date;

(b) Also at the third session, the Industrial Development Board approved the draft agreement with the International Labour Organization,⁴⁰⁶ which was signed on 14 September 1987 and entered into force through a Protocol of the same date;

(c) As approved by the Industrial Development Board at its second session,⁴⁰⁷ UNIDO concluded relationship agreements with the following intergovernmental organizations not in the United Nations system:

(i) Relationship Agreement with the Arab Industrial Development Organization (AIDO), signed on 8 November 1987;

(ii) Relationship Agreement with the Group of Latin American and Caribbean Sugar Exporting Countries (GEPLACEA), signed on 3 April 1987;

(iii) Relationship Agreement with the Gulf Organization for Industrial Consulting (GOIC), signed on 22 October and 31 October 1987;

(d) An exchange of letters constituting a working arrangement⁴⁰⁸ between the Director-General and the Secretary of the Council for Mutual Economic Assistance (CMEA), dated 9 May, 23 May and 13 November 1986 and 15 January 1987, reconfirmed the Agreement on Cooperation concluded between CMEA and the former UNIDO;

(e) UNIDO further concluded agreements or working arrangements with the following Governments or governmental organizations:

(i) Memoranda of Understanding on cooperation in industrial development were concluded with the Governments of Brazil, Bulgaria,

Czechoslovakia, with the Institute for Economic Market Research, Budapest, and with the Government of the Philippines on the continuation of joint cooperative training programmes. An agreement was concluded with Switzerland concerning the organization of a company training programme on the application of dyes with different substrates. An agreement was concluded with Tunisia in the form of a joint declaration of intent, reviewing existing common projects and expressing the intention to pursue and reinforce the cooperation between Tunisia and UNIDO;

- (ii) Working arrangements⁴⁰⁹ were concluded with the National Industrial Apprenticeship Service (SENAI) of Brazil, with the State Planning Commission of the German Democratic Republic and with the Government of Poland;
- (iii) The Director of the UNIDO Investment Promotion Service in France concluded an agreement on behalf of UNIDO with the Institut Régional de Coopération — Développement, Champagne Ardenne, *inter alia*, on the exchange of information regarding available technologies and possibilities of cooperation between French firms and financing institutions on the one hand and governmental agencies, associations of firms or companies in developing countries, on the other.

(c) Agreements with the United Nations or its organs

In 1987, UNIDO continued its negotiations with the Secretariat of the United Nations concerning the Agreement on the Transfer of Assets between the United Nations and UNIDO on the basis of the mandate received by the General Conference at its first session (part two) on 12 December 1985⁴¹⁰ and arrived at a mutually agreed text. The Advisory Committee on Administrative and Budgetary Questions considered and approved the agreement, as indicated by a letter dated 26 October 1987 from the Chairman of the Advisory Committee to the Secretary-General of the United Nations. However, by the end of 1987 the agreement had not yet been signed.

UNIDO and the United Nations concluded an Agreement on Arrangements for the Sale of UNIDO Publications, signed on 15 and 22 April 1987, respectively. On 22 October 1987, a Letter of Agreement was signed by the Executive Director of the United Nations Fund for Drug Abuse Control (UNFDAC) and the Director-General of UNIDO, designating UNIDO as executing agency for the implementation of UNFDAC law enforcement and related projects in 1988.

(d) Trust fund agreements with Governments on Associate Experts

These agreements are concluded to regulate the terms and conditions under which UNIDO shall recruit Associate Experts from the donor country for the purpose of providing technical assistance to developing countries. In 1987, such agreements were concluded with the Governments of Finland, Italy, Norway and Sweden.

(e) Standard basic cooperation agreement

Pursuant to the mandate given to the Director-General by the General Conference at its first regular session (part two)⁴¹¹ to propose and conclude on behalf of UNIDO appropriate cooperation agreements on the basis of the draft standard basic cooperation agreement referred to in GC.1/Dec.40, paragraph (a),⁴¹² the Director-General, by a letter dated 30 January 1987, formally proposed the agreement to member States receiving assistance from UNIDO. On the basis of the proposed draft, negotiations with Governments took place during 1987, but by the end of 1987 no Government had signed the agreement.

(f) Annex in respect of UNIDO to the Convention on the Privileges and Immunities of the Specialized Agencies

On 3 July 1987, the Industrial Development Board of UNIDO approved such an annex⁴¹³ which, pursuant to section 36 of the Convention, the Director-General transmitted to the Secretary-General of the United Nations on 7 September 1987, thereby also accepting the standard clauses of the said Convention, as modified by the annex, and undertaking to give effect to sections 8, 18, 22, 23, 24, 31, 32, 42 and 45 of the Convention and paragraph 1 (c) of the said annex. The Secretary-General acknowledged receipt of the Director-General's letter on 15 September 1987. In accordance with its section 37, the Convention therefore became applicable to UNIDO on 15 September 1987. Also pursuant to section 37, the Secretary-General of the United Nations on 16 October 1987 communicated to all Members of the United Nations and to other States members of the specialized agencies certified true copies of the final text of annex XVII relating to UNIDO.

(g) Regulations and Rules

Financial Regulations and Rules. At its second regular session the General Conference approved the Financial Regulations of UNIDO in accordance with article 8.3(c) of the Constitution and decided that they should come into effect on 1 January 1988.⁴¹⁴ At the same time the General Conference requested the Director-General for the time being to continue to apply, in accordance with article 26.2 of the Constitution, the provisions of the Financial Regulations of the United Nations, namely, the *chapeau* and subparagraph (e) of regulation 5.2, concerning those draft regulations on which no consensus had been reached, namely, regulations 5.2(e) and 5.3. By regulation 12.1, the Director-General was authorized to issue financial rules which shall govern the administration of all financial activities and transactions of the Organization. By the same regulation the Director-General is requested to report to the Industrial Development Board through the Programme and Budget Committee on the issuance of such financial rules.

Staff Regulations and Rules. Pursuant to article 11.5 of the Constitution, the General Conference at its second regular session also approved the Staff Regulations of the Organization⁴¹⁵ and decided that they should come into effect as of 1 July 1988. At the same time the General Conference decided that regulation 3.4, second sentence, should be applied provisionally until a final decision on its final formulation was made by the Conference. It also requested the Director-

General for the time being to continue to apply, in accordance with article 26.2 of the Constitution, the provisions of United Nations staff regulation 3.3(e) and 3.3(f) and the pertinent provisions of article XII, concerning those draft regulations on which no consensus had been reached, namely, 6.8(c), 6.8(d) and 13.4. On the basis of the Staff Regulations, the Director-General will elaborate Staff Rules in accordance with regulation 13.4.

(h) Secretariat procedures with regard to international treaties and agreements

In view of the Organization's responsibilities as a specialized agency of the United Nations system under the guidelines established by the General Assembly for the registration, filing or recording, and publication of treaties or other international agreements, in 1987 the Legal Service continued its work regarding the establishment of the proper procedures in this respect, at the same time assuming its function as depositary for UNIDO's agreements concluded after its conversion into a specialized agency.

NOTES

¹Adopted without a vote.

²Adopted by a recorded vote of 135 to 5, with 15 abstentions.

³General Assembly resolution S/10-2; see *Official Records of the General Assembly, Tenth Special Session, Supplement No. 4 (A/S-10/4)*, sect. III.

⁴*Official Records of the General Assembly, Forty-second Session, Supplement No. 46 (A/42/46)*, sect. III, paras. 15-26.

⁵Adopted by a recorded vote of 129 to 1, with 23 abstentions.

⁶Adopted without a vote.

⁷Adopted by a recorded vote of 118 to 18, with 14 abstentions.

⁸Adopted without a vote.

⁹Adopted by a recorded vote of 142 to 12, with 3 abstentions.

¹⁰Adopted by a recorded vote of 133 to none, with 12 abstentions.

¹¹Adopted by a recorded vote of 154 to 1, with 2 abstentions.

¹²Adopted without a vote.

¹³Adopted by a recorded vote of 131 to 1, with 23 abstentions.

¹⁴Adopted without a vote.

¹⁵Adopted without a vote.

¹⁶Adopted by a recorded vote of 137 to 13, with 7 abstentions.

¹⁷Adopted by a recorded vote of 139 to 12, with 4 abstentions.

¹⁸Adopted by a recorded vote of 140 to 13, with 2 abstentions.

¹⁹Adopted by a recorded vote of 149 to 1, with 6 abstentions.

²⁰For the text, see *The United Nations Disarmament Yearbook*, vol. 12: 1987 (United Nations publication, Sales No. E.88.IX.2), appendix VII; see also *International Legal Materials*, vol. 27 (1988), p. 84.

²¹Adopted by a recorded vote of 115 to none, with 39 abstentions.

²²Adopted by a recorded vote of 143 to none, with 13 abstentions.

²³Adopted by a recorded vote of 125 to 17, with 12 abstentions.

²⁴See A/41/697-S/18/392, annex, sect. I, para. 47.

²⁵Adopted by a recorded vote of 140 to 3, with 14 abstentions.

²⁶Adopted by a recorded vote of 135 to 17, with 4 abstentions.

²⁷CD/787, appendix I, vol. II, document CD/756.

- ²⁸Adopted by a recorded vote of 137 to 3, with 14 abstentions.
- ²⁹United Nations, *Treaty Series*, vol. 480, p. 43.
- ³⁰See General Assembly resolution 2373 (XXII), annex; United Nations, *Treaty Series*, vol. 729, p. 161.
- ³¹Adopted by a recorded vote of 128 to 3, with 22 abstentions.
- ³²*Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, Final Document, Part I (NPT/CONF.III/64/I)* (Geneva, 1985), annex. I.
- ³³Adopted by a recorded vote of 143 to 2, with 8 abstentions.
- ³⁴Adopted by a recorded vote of 147 to 1, with 8 abstentions.
- ³⁵Adopted by a recorded vote of 112 to 18, with 20 abstentions.
- ³⁶Adopted by a recorded vote of 151 to none, with 3 abstentions.
- ³⁷United Nations, *Treaty Series*, vol. 634, p. 281.
- ³⁸Adopted by a recorded vote of 147 to none, with 7 abstentions.
- ³⁹Adopted by a recorded vote of 151 to none, with 4 abstentions.
- ⁴⁰Adopted by a recorded vote of 140 to 4, with 13 abstentions.
- ⁴¹Adopted without a vote.
- ⁴²Adopted by a recorded vote of 114 to 3, with 36 abstentions.
- ⁴³See *Report of the United Nations Conference for the Promotion of International Cooperation in the Peaceful Uses of Nuclear Energy, Geneva, 23 March-10 April 1987 (A/CONF.108/7)*.
- ⁴⁴Adopted without a vote.
- ⁴⁵*International Legal Materials*, vol. 25 (1986), p. 1370.
- ⁴⁶*International Legal Materials*, vol. 25 (1986), p. 1377.
- ⁴⁷*International Legal Materials*, vol. 18 (1979), p. 1419.
- ⁴⁸Adopted without a vote.
- ⁴⁹See note 43.
- ⁵⁰Adopted without a vote.
- ⁵¹Adopted without a vote.
- ⁵²League of Nations, *Treaty Series*, vol. XCIV (1929), p. 65.
- ⁵³Adopted without a vote.
- ⁵⁴United Nations, *Treaty Series*, vol. 1015, p. 163.
- ⁵⁵BWC/CONF.II/EX/2.
- ⁵⁶Adopted by a recorded vote of 154 to 1.
- ⁵⁷See General Assembly resolution 2222 (XXI), annex; United Nations, *Treaty Series*, vol. 610, p. 205.
- ⁵⁸Adopted by a recorded vote of 135 to 1, with 18 abstentions.
- ⁵⁹The definition was adopted by the Commission for Conventional Armaments (see S/C.3/32/Rev.1).
- ⁶⁰Adopted without a vote.
- ⁶¹Adopted by a recorded vote of 119 to 2, with 32 abstentions.
- ⁶²Adopted without a vote.
- ⁶³*Official Records of the General Assembly, Forty-second Session, Supplement No. 42 (A/42/42)*, para. 45.
- ⁶⁴United Nations publication, Sales No. E.85.IX.1.
- ⁶⁵Adopted without a vote.
- ⁶⁶Adopted by a recorded vote of 154 to none.
- ⁶⁷Adopted without a vote.
- ⁶⁸Adopted without a vote.
- ⁶⁹United Nations, *Treaty Series*, vol. 1342, p. 137.
- ⁷⁰Adopted without a vote.
- ⁷¹General Assembly resolution 2734 (XXV); also reproduced in *Juridical Yearbook, 1970*, p. 62.
- ⁷²Adopted by a recorded vote of 131 to 1, with 23 abstentions.
- ⁷³See A/42/760.
- ⁷⁴For the report of the Subcommittee, see A/AC.105/385.

⁷⁵A/AC.105/C.2/L.154/Rev.1.

⁷⁶A/AC.105/C.2/L.154.

⁷⁷WG/NPS (1987)/WP.1, WP.2, WP.3 and WP.4.

⁷⁸WG/NPS (1987)/WP.5 and WP.6.

⁷⁹WG/NPS (1987)/WP.7.

⁸⁰WG/NPS (1987)/WP.8.

⁸¹A/AC.105/C.2/L.154/Rev.2.

⁸²A/AC.105/C.2/L.159.

⁸³A/AC.105/C.2/L.160.

⁸⁴A/AC.105/C.2/L.161.

⁸⁵A/AC.105/C.2/L.162.

⁸⁶See *Official Records of the General Assembly, Forty-second Session, Supplement No. 20 (A/42/20)*, chap. II, sect. C.

⁸⁷A/AC.105/L.168.

⁸⁸A/AC.105/L.169.

⁸⁹Adopted without a vote.

⁹⁰See A/42/812 and Corr.1.

⁹¹*Official Records of the General Assembly, Forty-second Session, Supplement No. 20 (A/47/20)*.

⁹²Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies (resolution 2222 (XXI), annex); Agreement on the Rescue of Astronauts, the Return of Astronauts and the Return of Objects Launched into Outer Space (resolution 2345 (XXII), annex); Convention on International Liability for Damage Caused by Space Objects (resolution 2777 (XXVI), annex); Convention on Registration of Objects Launched into Outer Space (resolution 3235 (XXIX), annex); Agreement Governing the Activities of States on the Moon and Other Celestial Bodies (resolution 34/68, annex).

⁹³Adopted by a recorded vote of 122 to none, with 9 abstentions.

⁹⁴See A/42/758.

⁹⁵United Nations, *Treaty Series*, vol. 402, p. 71.

⁹⁶Adopted by a recorded vote of 100 to none, with 10 abstentions.

⁹⁷See A/42/758.

⁹⁸For detailed information, see *Official Records of the General Assembly, Forty-second Session, Supplement No. 25 (A/42/25 and Corr.1)*.

⁹⁹*Ibid.*, annex I.

¹⁰⁰UNEP/GC.14/13.

¹⁰¹Adopted by a recorded vote of 149 to 1.

¹⁰²See A/42/821/Add.5.

¹⁰³*Official Records of the General Assembly, Forty-second Session, Supplement No. 25 (A/42/25 and Corr.1)*.

¹⁰⁴*Selected Multilateral Treaties in the Field of the Environment (UNEP)*, vol. 2, p. 389.

¹⁰⁵*International Legal Materials*, vol. 26 (1987), p. 38.

¹⁰⁶*International Legal Materials*, vol. 22 (1983), p. 221.

¹⁰⁷*International Legal Materials*, vol. 26 (1987), p. 1541.

¹⁰⁸Adopted without a vote.

¹⁰⁹See A/42/821/Add.5.

¹¹⁰Adopted without a vote.

¹¹¹See A/42/821/Add.5.

¹¹²UNEP/GC.10/5/Add.2 and Corr.1 and 2, annex, chap. II.

¹¹³Adopted without a vote.

¹¹⁴See A/42/821/Add.5.

¹¹⁵See A/42/427, annex.

¹¹⁶Adopted without a vote.

¹¹⁷See A/42/821/Add.1.

- ¹¹⁸A/42/678.
- ¹¹⁹For detailed information, see *Official Records of the General Assembly, Forty-second Session, Supplement No. 12* (A/42/12), and *Supplement No. 12A* (A/42/12/Add. 1).
- ¹²⁰United Nations, *Treaty Series*, vol. 189, p. 137.
- ¹²¹*Ibid.*, vol. 606, p. 267.
- ¹²²Adopted without a vote.
- ¹²³See A/42/808.
- ¹²⁴Adopted without a vote.
- ¹²⁵See A/42/808.
- ¹²⁶Adopted without a vote.
- ¹²⁷See A/42/803.
- ¹²⁸United Nations, *Treaty Series*, vol. 520, p. 151.
- ¹²⁹*Ibid.*, vol. 1019, p. 175.
- ¹³⁰*Ibid.*, vol. 976, p. 3.
- ¹³¹*Ibid.*, p. 105.
- ¹³²Adopted without a vote.
- ¹³³See A/42/781.
- ¹³⁴*Report of the International Conference on Drug Abuse and Illicit Trafficking, Vienna, 17-26 June 1987* (United Nations publication, Sales No. E.87.I.18), chap. I, sect. B.
- ¹³⁵Adopted without a vote.
- ¹³⁶See A/42/781.
- ¹³⁷*Report of the International Conference on Drug Abuse and Illicit Trafficking, Vienna, 17-26 June 1987* (United Nations publication, Sales No. E.87.I.18).
- ¹³⁸*Ibid.*, chap. I, sect. A.
- ¹³⁹Adopted without a vote.
- ¹⁴⁰See A/42/781.
- ¹⁴¹See General Assembly resolution 2200 A (XXI), annex; also reproduced in *Juridical Yearbook, 1966*, p. 170.
- ¹⁴²United Nations, *Treaty Series*, vol. 993, p. 3.
- ¹⁴³*Ibid.*, vol. 999, p. 171.
- ¹⁴⁴*Ibid.*
- ¹⁴⁵Adopted without a vote.
- ¹⁴⁶See A/42/806.
- ¹⁴⁷*Official Records of the General Assembly, Forty-second Session, Supplement No. 40* (A/42/40).
- ¹⁴⁸Adopted by a recorded vote of 129 to 1, with 22 abstentions.
- ¹⁴⁹See A/42/806.
- ¹⁵⁰Adopted without a vote.
- ¹⁵¹See A/42/807.
- ¹⁵²See General Assembly resolution 34/180, annex, and United Nations, *Treaty Series*, vol. 1249, p. 13; also reproduced in *Juridical Yearbook, 1979*, p. 114.
- ¹⁵³Adopted without a vote.
- ¹⁵⁴See A/42/786.
- ¹⁵⁵United Nations, *Treaty Series*, vol. 78, p. 277.
- ¹⁵⁶Adopted without a vote.
- ¹⁵⁷See A/42/803.
- ¹⁵⁸See General Assembly resolution 39/46, annex; also reproduced in *Juridical Yearbook, 1984*, p. 135.
- ¹⁵⁹Adopted without a vote.
- ¹⁶⁰See A/42/810.
- ¹⁶¹See General Assembly resolution 3068 (XXVIII), annex, and United Nations, *Treaty Series*, vol. 1015, p. 243; also reproduced in *Juridical Yearbook, 1973*, p. 70.
- ¹⁶²Adopted with a recorded vote of 128 to 1, with 27 abstentions.
- ¹⁶³See A/42/720.
- ¹⁶⁴E/CN.4/1987/28, sect. IV, para. 50.

- ¹⁶⁵ Adopted by a recorded vote of 154 to none, with 1 abstention.
- ¹⁶⁶ See A/42/805.
- ¹⁶⁷ Adopted without a vote.
- ¹⁶⁸ See A/42/720.
- ¹⁶⁹ See General Assembly resolution 2106 A (XX), annex, and United Nations, *Treaty Series*, vol. 660, p. 195; also reproduced in *Juridical Yearbook, 1965*, p. 63.
- ¹⁷⁰ Adopted without a vote.
- ¹⁷¹ See A/42/798.
- ¹⁷² The text of the Declaration is reproduced in *Juridical Yearbook, 1981*, p. 63.
- ¹⁷³ Adopted without a vote.
- ¹⁷⁴ See A/42/803/Add.1.
- ¹⁷⁵ Adopted without a vote.
- ¹⁷⁶ See A/42/803/Add.1.
- ¹⁷⁷ See *Official Records of the General Assembly, Forty-first Session, Supplement No. 1 (A/41/1)*.
- ¹⁷⁸ Adopted without a vote.
- ¹⁷⁹ See A/42/773.
- ¹⁸⁰ Adopted by a recorded vote of 126 to 17, with 10 abstentions.
- ¹⁸¹ See A/42/773.
- ¹⁸² Adopted by a recorded vote of 125 to 10, with 19 abstentions.
- ¹⁸³ See A/42/773.
- ¹⁸⁴ Adopted without a vote.
- ¹⁸⁵ See A/42/792.
- ¹⁸⁶ See General Assembly 41/128, annex; reproduced in *Juridical Yearbook, 1986*, p. 87.
- ¹⁸⁷ Adopted without a vote.
- ¹⁸⁸ See A/42/804.
- ¹⁸⁹ Adopted by a recorded vote of 129 to 9, with 15 abstentions.
- ¹⁹⁰ See A/42/804.
- ¹⁹¹ Adopted by a recorded vote of 131 to none, with 24 abstentions.
- ¹⁹² See A/42/804.
- ¹⁹³ General Assembly resolution 3384 (XXX).
- ¹⁹⁴ Adopted by a recorded vote of 156 to none, with 1 abstention.
- ¹⁹⁵ See A/42/803/Add.1.
- ¹⁹⁶ Adopted by a recorded vote of 150 to 1, with 3 abstentions.
- ¹⁹⁷ See A/42/803/Add.1.
- ¹⁹⁸ A/C.3/42/1 and A/C.3/42/6.
- ¹⁹⁹ Adopted without a vote.
- ²⁰⁰ See A/42/792.
- ²⁰¹ Adopted by a recorded vote of 124 to 24, with 2 abstentions.
- ²⁰² See A/42/792.
- ²⁰³ Adopted by a recorded vote of 129 to 1, with 24 abstentions.
- ²⁰⁴ See A/42/792.
- ²⁰⁵ Adopted without a vote.
- ²⁰⁶ See A/42/792.
- ²⁰⁷ Adopted without a vote.
- ²⁰⁸ See A/42/809.
- ²⁰⁹ Adopted without a vote. See A/42/821/Add.9: A/42/PV.96.
- ²¹⁰ Adopted without a vote.
- ²¹¹ See A/42/803.
- ²¹² Adopted without a vote.
- ²¹³ See A/42/806.
- ²¹⁴ Adopted without a vote.
- ²¹⁵ See A/42/775.

²¹⁶See *Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders*, Milan, 26 August-6 September 1985: report prepared by the Secretariat (United Nations publication, Sales No. E.86.IV.1).

²¹⁷Adopted without a vote.

²¹⁸See A/42/803/Add.1.

²¹⁹General Assembly resolution 40/34, annex.

²²⁰See *Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders*, Milan, 26 August-6 September 1985: report prepared by the Secretariat (United Nations publication, Sales No. E.86.IV.1), chap. I, sect. E.15.

²²¹Ibid., sect. D.2.

²²²General Assembly resolution 34/169, annex.

²²³*First United Nations Congress on the Prevention of Crime and the Treatment of Offenders*, Geneva, 22 August-3 September 1955: report prepared by the Secretariat (United Nations publication, Sales No. 1956.IV.4), annex I.A.

²²⁴Adopted by a recorded vote of 103 to none, with 15 abstentions. See A/42/L.10 and Add.1.

²²⁵United Nations, *Treaty Series*, vol. 823, p. 231.

²²⁶*Official Records of the Third United Nations Conference on the Law of the Sea*, vol. XVII (United Nations publication, Sales no. E.84.V.3), document A/CONF.62/122; see also *The Law of the Sea: United Nations Convention on the Law of the Sea with Index and Final Act of the Third United Nations Conference on the Law of the Sea* (United Nations publication, Sales No. E.83.V.5).

²²⁷For detailed information on the work of the Preparatory Commission, see the report of the Secretary-General (A/42/688).

²²⁸Adopted by a recorded vote of 142 to 2, with 6 abstentions.

²²⁹For the composition of the Court, see General Assembly decision 42/308.

²³⁰As of 31 December 1987, the number of States recognizing the jurisdiction of the Court as compulsory in accordance with declaration filed under Article 36, paragraph 2, of the Statute of the International Court of Justice stood at 49.

²³¹For detailed information, see *I.C.J. Yearbook 1987-1988*, No. 42, p. 133.

²³²*I.C.J. Reports 1987*, p. 188.

²³³For detailed information, see *I.C.J. Yearbook 1987-1988*, No. 42, p. 134.

²³⁴*I.C.J. Reports 1987*, p. 182.

²³⁵For detailed information, see *I.C.J. Yearbook 1987-1988*, No. 42, p. 134.

²³⁶See *I.C.J. Yearbook 1987-1988*, No. 42, p. 136.

²³⁷*I.C.J. Reports 1987*, p. 10.

²³⁸Ibid., p. 15.

²³⁹Ibid., p. 176.

²⁴⁰Ibid., p. 15.

²⁴¹See *I.C.J. Yearbook 1987-1988*, No. 42, p. 136.

²⁴²*I.C.J. Reports 1987*, p. 3.

²⁴³Ibid., p. 185.

²⁴⁴Ibid., p. 18.

²⁴⁵For the membership of the Commission, see *Official Records of the General Assembly, Forty-second Session, Supplement No. 10* (A/42/10), chap. I.

²⁴⁶For detailed information, see *Yearbook of the International Law Commission, 1987*, vol. I (United Nations publication, Sales No. E.88.V.6); *ibid.*, vol. II Part One (United Nations publication, Sales No. E.88/V.7 (Part I)); and *ibid.*, Part Two (United Nations, Sales No. E.88.V.7 (Part II)).

²⁴⁷*Yearbook of the International Law Commission, 1987*, vol. II (Part One) (United Nations publication, Sales No. E.88.V.7 (Part I)), document A/CN.4/404.

²⁴⁸Ibid., A/CN.4/407 and Add.1 and 2.

²⁴⁹Ibid., A/CN.4/406 and Add.1 and 2.

²⁵⁰*Yearbook of the International Law Commission, 1986*, vol. II (Part One) (United Nations publication, Sales No. E.87.V.8 (Part I)), document A/CN.4/402.

²⁵¹*Yearbook of the International Law Commission, 1987*, vol. II (Part One) (United Nations publication, Sales No. E.88.V.7 (Part I)), document A/CN.4/405.

²⁵²*Yearbook of the International Law Commission, 1986*, vol. II (Part One) (United Nations publication, Sales No. E.87.V.8 (Part I)), document A/CN.4/401.

²⁵³*Official Records of the General Assembly, Forty-second Session, Supplement No. 10 (A/42/10)*.

²⁵⁴Adopted without a vote.

²⁵⁵See A/42/837.

²⁵⁶Adopted by a recorded vote of 136 to 5, with 14 abstentions.

²⁵⁷See A/42/835.

²⁵⁸For the membership of the Commission, see *Official Records of the General Assembly, Forty-second Session, Supplement No. 17 (A/42/17)*, chap. I.B, para. 4.

²⁵⁹For detailed information, see *Yearbook of the United Nations Commission on International Trade Law*, vol. XVIII: 1987 (United Nations publication, Sales No. E.89.V.4).

²⁶⁰*Yearbook of the United Nations Commission on International Trade Law*, vol. XVIII: 1987 (United Nations publication, Sales No. E.89.V.4), part two, chap. I, sect. 1, document A/CN.9/288.

²⁶¹*Ibid.*, sect. 2, document A/CN.9/WG.IV/WP.32 and Add. 1-10.

²⁶²*Ibid.*, sect. 3, document A/CN.9/WG.IV/WP.33.

²⁶³*Ibid.*, part three, annex I.

²⁶⁴*Ibid.*, chap. II, sect. A.1, document A/CN.9/289.

²⁶⁵*Ibid.*, sect. A.3, document A/CN.9/WG.V/WP.20.

²⁶⁶See *ibid.*, sect. A.4, document A/CN.9/290; the *UNCITRAL Legal Guide* has been published by the United Nations under Sales No. B.87.V.10, document A/CN.9/SER.B/2.

²⁶⁷*Ibid.*, sect. B, document A/CN.9/291.

²⁶⁸*Ibid.*, chap. III, sect. A, document A/CN.9/287.

²⁶⁹*Ibid.*, chap. IV, document A/CN.9/292.

²⁷⁰*Ibid.*, chap. VI, document A/CN.9/293.

²⁷¹Adopted without a vote.

²⁷²See A/42/836.

²⁷³General Assembly resolutions 3201 (S-VI) and 3202 (S-VI).

²⁷⁴General Assembly resolution 3362 (S-VII).

²⁷⁵Adopted by a recorded vote of 114 to none, with 40 abstentions.

²⁷⁶See A/42/836.

²⁷⁷Adopted without a vote.

²⁷⁸See A/42/766.

²⁷⁹General Assembly resolution 2625 (XXV), annex.

²⁸⁰General Assembly resolution 3314 (XXIX), annex.

²⁸¹General Assembly resolution 37/10, annex.

²⁸²Adopted without a vote.

²⁸³See A/42/833.

²⁸⁴A/42/718.

²⁸⁵Adopted by a recorded vote of 131 to none, with 24 abstentions.

²⁸⁶See A/42/834.

²⁸⁷Adopted by a recorded vote of 136 to none, with 20 abstentions.

²⁸⁸See A/42/815.

²⁸⁹General Assembly resolution 37/10, annex; the text of the Declaration is also reproduced in *Juridical Yearbook, 1982*, p. 103.

²⁹⁰Adopted without a vote.

²⁹¹See A/42/769.

²⁹²Adopted without a vote.

²⁹³See A/42/816.

²⁹⁴*Official Records of the General Assembly, Forty-second Session, Supplement No. 43 (A/42/43)*.

²⁹⁵For the report of the Special Committee, see *Official Records of the General Assembly, Forty-second Session, Supplement No. 33 (A/42/33)*.

²⁹⁶A/AC.182/L.51.

²⁹⁷A/AC.182/L.52.

²⁹⁸A/AC.182/L.52/Rev.1.

²⁹⁹A/AC.182/L.43/Rev.1.

³⁰⁰A/AC.182/L.43/Rev.2.

³⁰¹A/AC.182/L.38/Rev.3.

³⁰²A/AC.182/L.48.

³⁰³Adopted without a vote.

³⁰⁴See A/42/817.

³⁰⁵*Official Records of the General Assembly, Forty-second Session, Supplement No. 33 (A/42/33)*.

³⁰⁶Adopted by a recorded vote of 133 to none, with 22 abstentions.

³⁰⁷See A/42/818.

³⁰⁸General Assembly resolution 2625 (XXV), annex.

³⁰⁹Adopted by a recorded vote of 153 to 2, with 1 abstention.

³¹⁰See A/42/832.

³¹¹A/42/519 and Corr.1 and Add.1.

³¹²For detailed information, see *Official Records of the General Assembly, Forty-second Session, Supplement No. 26 (A/42/26)*.

³¹³United Nations, *Treaty Series*, vol. 11, p. 11.

³¹⁴Adopted without a vote.

³¹⁵See A/42/878.

³¹⁶Adopted by a recorded vote of 145 to 1, with no abstentions.

³¹⁷See A/42/878.

³¹⁸A/C.6/42/L.12.

³¹⁹Adopted without a vote.

³²⁰See A/42/819, para. 11; A/42/PV.94.

³²¹Adopted without a vote.

³²²See A/42/885.

³²³A/C.5/42/14 and Corr.1.

³²⁴Adopted without a vote.

³²⁵See A/42/823.

³²⁶A/42/694 and Corr.1.

³²⁷With 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.

³²⁸ILC, 73rd session, 1987, *Record of Proceedings*, No. 2; No. 14, pp. 43-45, and No. 31, pp. 1-2. *Official Bulletin*, vol. LXX, 1987, Series A, No. 2, pp. 92-94.

³²⁹*Official Bulletin*, vol. LXX, 1987, Series A, No. 3, p. 99, pp. 102-105, pp. 128-132; English, French and Spanish. Regarding preparatory work, see: *Seafarers' welfare at sea and in port*, ILC, 74th (Maritime) session, 1987, Report II (this report contains, *inter alia*, details of the action which led to the placing of the question on the agenda of the Conference), 45 pages; Arabic, Chinese, English, French, German, Russian and Spanish. See also ILC, 74th (Maritime) session, 1987, *Record of Proceedings*, No. 12; No. 17, pp. 2-4; No. 18, p. 6, pp. 10-13; English, French and Spanish.

³³⁰*Official Bulletin*, vol. LXX, 1987, Series A, No. 3, p. 99, pp. 105-112; English, French and Spanish. Regarding preparatory work, see: *Health protection and medical care for seafarers*, ILC, 74th (Maritime) session, 1987, Report IV (this report contains, *inter alia*, details of the action which led to the placing of the question on the agenda of the Conference), 45 pages; Arabic, Chinese, English, French, German, Russian and Spanish. See also ILC, 74th (Maritime) session, 1987, *Record of Proceedings*, No. 13; No. 17, pp. 5-7; No. 18, pp. 18-20; English, French and Spanish.

³³¹*Official Bulletin*, vol. LXX, 1987, Series A, No. 3, p. 99, pp. 113-122; English, French and Spanish. Regarding preparatory work, see: *Social security protection for seafarers including those serving in ships flying flags other than those of their own country*, ILC, 74th (Maritime) session, 1987, Report III(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 III(2), 49 and 45 pages, respectively; Arabic, Chinese, English, French, German, Russian and Spanish. See also ILC, 74th (Maritime) session, 1987, *Record of proceedings*, No. 14; No. 18, pp. 2-6; No. 19, pp. 1-2, pp. 8-9; English, French and Spanish.

³³²*Official Bulletin*, vol. LXX, 1987, Series A, No. 3, p. 99, pp. 122-127, p. 133; English, French and Spanish. Regarding preparatory work, see: *Revision of the Repatriation of Seamen Convention 1926 (No. 23) and of the Repatriation (Ship Masters and Apprentices) Recommendation, 1926 (No. 27)*, ILC, 74th (Maritime) session, 1987, Report V (this report contains, *inter alia*, details of the action which led to the placing of the question on the agenda of the Conference), 47 pages; Arabic, Chinese, English, French, German, Russian and Spanish. See also ILC, 74th (Maritime) session, 1987, *Record of Proceedings*, No. 15; No. 18, pp. 6-9; No. 19, p. 2, pp. 10-13; English, French and Spanish.

³³³This report has been published as Report III (Part 4) to the 73rd session of the Conference and comprises two volumes: vol. A: "General report and observations concerning particular countries" (Report III (Part 4A)), 487 pages; English, French and Spanish; vol. B "General survey of the reports on the Guarding of Machinery Convention (No. 119) and Recommendation (No. 118), 1963 and on the Working Environment (Air Pollution, Noise and Vibration) Convention (No. 148) and Recommendation (No. 156), 1977" (report III (part 4B)), 230 pages; English, French and Spanish.

³³⁴*Official Bulletin*, vol. LXX, 1987, Series B, Supplement 1.

³³⁵*Ibid.*, vol. LXIX, 1986, Series 3, No. 3.

³³⁶*Ibid.*, vol. LXX, 1987, Series B, No. 1.

³³⁷*Ibid.*, No. 2.

³³⁸See *Juridical Yearbook*, 1982, p. 234.

³³⁹United Nations, *Treaty Series*, vol. 33, p. 261.

³⁴⁰*Ibid.*, vol. 150, p. 67.

³⁴¹*Ibid.*, vol. 4, p. 275.

³⁴²*Records of the General Conference*, vol. 1, Resolutions, resolution 24C/31.1.

³⁴³*Records of the General Conference*, vol. 1, Resolutions, resolution 24C/31.2.

³⁴⁴Adopted by the General Conference on 1 November 1985 at its twenty-third session, held at Sofia.

³⁴⁵Document 24C/121, annex.

³⁴⁶United Nations, *Treaty Series*, vol. 943, p. 178.

³⁴⁷*Ibid.*, vol. 496, p. 43.

³⁴⁸*Ibid.*, vol. 866, p. 67.

³⁴⁹*Ibid.*, vol. 1144, p. 3.

³⁵⁰*UNESCO's Standard-Setting Instruments* (UNESCO publication, Sales No. V.2.A.6).

³⁵¹Document IGC(1971)/VII/22.

³⁵²IGC(1971)/SC.II/6.

³⁵³United Nations, *Treaty Series*, vol. 496, p. 43.

³⁵⁴ILO/UNESCO/WIPO/ICR.11/8.

³⁵⁵UNESCO/PRS/CLT/TPC/SPL/6 and resolution 15.3, adopted at the session.

³⁵⁶UNESCO/CPY/PD/ICS/3 and resolution 15.2, adopted at the session.

³⁵⁷UNESCO/WIPO/CGE/DCM/4.

³⁵⁸UNESCO/WIPO/CGE/AAR/4.

³⁵⁹UNESCO/WIPO/CGE/PW/4.

³⁶⁰United Nations, *Treaty Series*, vol. 704, p. 219.

³⁶¹*Ibid.*, vol. 860, p. 105.

³⁶²*Ibid.*, vol. 974, p. 177.

³⁶³*Ibid.*, vol. 14, p. 185, and vol. 377, p. 380.

- ³⁶⁴By W.J. Curran, A.E. Arif and D.C. Jayasuriya.
- ³⁶⁵By D.C. Jayasuriya, *Digest*, vol. 38, no. 4.
- ³⁶⁶United Nations, *Treaty Series*, vol. 2, p. 134.
- ³⁶⁷The text of the MIGA Convention and of the official commentary thereon are reproduced in 1 *ICSID Review — Foreign Investment Law Journal* 145 (1986).
- ³⁶⁸The ICSID Convention is reproduced in *Juridical Yearbook, 1966*, p. 136.
- ³⁶⁹See "List of Contracting States and signatories of the Convention", in document ICSID/3.
- ³⁷⁰Further information on disputes submitted to ICSID appears in the Centre's semi-annual newsletter *News from ICSID* and in the brochure *ICSID Cases 1972-1987* (ICSID/16/Rev.1, July 1987).
- ³⁷¹English translation prepared by the Secretariat of the United Nations on the basis of a French version provided by UPU.
- ³⁷²United Nations, *Treaty Series*, vol. 289, p. 3.
- ³⁷³PCUA 2/5, annexes 1 and 2.
- ³⁷⁴LEG/ES.1/5.
- ³⁷⁵LEG 58/12, annex 2.
- ³⁷⁶LEG/MISC/1.
- ³⁷⁷Resolution A.621(15) of 19 November 1987.
- ³⁷⁸Document JIGE(IV)2, circulated by IMO under the symbol LEG/MIM/12 and in UNCTAD under the symbol TD/B/C.4/AC.8/12.
- ³⁷⁹United Nations, *Treaty Series*, vol. 1059, p. 191.
- ³⁸⁰EB 87/32/INF.2.
- ³⁸¹EB 87/30/R.23.
- ³⁸²EB 87/31/R.53.
- ³⁸³*Ibid.*
- ³⁸⁴*Ibid.*
- ³⁸⁵Governing Council resolution 51/XI, document GC 11/Resolutions.
- ³⁸⁶EB 87/32/R.91.
- ³⁸⁷GC 11/L.6.
- ³⁸⁸Governing Council resolution 49/XI, document GC 11/Resolutions.
- ³⁸⁹Governing Council resolution 48/XI, document GC 11/Resolutions.
- ³⁹⁰GC 11/L.6, L.7 and L.8; GC 11/Resolutions (resolution 52/XI).
- ³⁹¹United Nations, *Treaty Series*, vol. 276, p. 3.
- ³⁹²INFCIRC/274/Rev. 1.
- ³⁹³INFCIRC/335.
- ³⁹⁴INFCIRC/336.
- ³⁹⁵The same States which signed the Early Notification Convention, excluding Yugoslavia.
- ³⁹⁶The same States which expressed consent to be bound by the Early Notification Convention, excluding Sweden.
- ³⁹⁷United Nations, *Treaty Series*, vol. 1063, p. 265.
- ³⁹⁸*Ibid.*, vol. 956, p. 251.
- ³⁹⁹*Ibid.*, vol. 729, p. 161.
- ⁴⁰⁰*Ibid.*, vol. 634, p. 281.
- ⁴⁰¹INFCIRC/350.
- ⁴⁰²UNIDO/PBC.1/6, Excerpt on legal services.
- ⁴⁰³United Nations, *Treaty Series*, vol. 1401, p. 3.
- ⁴⁰⁴GC.1/INF.6.
- ⁴⁰⁵GC.2/3 and IDB.3/7.
- ⁴⁰⁶GC.2/3 and IDB.3/28.
- ⁴⁰⁷GC.2/2.
- ⁴⁰⁸UNIDO/DG/B.19, chap. II.C.
- ⁴⁰⁹UNIDO/DG/B.19, chap. II.C.
- ⁴¹⁰GC.1/INF.6.

⁴¹¹Ibid.

⁴¹²Ibid.

⁴¹³GC.2/3.

⁴¹⁴GC.2/INF.4.

⁴¹⁵Ibid.