

UNITED NATIONS
JURIDICAL YEARBOOK
1963



UNITED NATIONS — NEW YORK

ST/LEG/SER.C/1

UNITED NATIONS PUBLICATION

Sales No. : 65. V. 3

Price : \$U.S. 5.00
(or equivalent in other currencies)

CONTENTS

	<i>Page</i>
FOREWORD	xxi
ABBREVIATIONS	xxiii

Part One. Legal status of the United Nations and related inter-governmental organizations

CHAPTER I. LEGISLATIVE TEXTS CONCERNING THE LEGAL STATUS OF THE UNITED NATIONS AND RELATED INTER-GOVERNMENTAL ORGANIZATIONS

1. <i>Australia</i> International Organizations (Privileges and Immunities) Act, 1963	3
2. <i>India</i> Notification extending to the International Atomic Energy Agency the provisions of the Schedule to the United Nations (Privileges and Immunities) Act, 1947	11
3. <i>Sweden</i> Act of 28 June 1962 concerning special privileges for certain international organizations, etc., as amended in 1963	14
4. <i>Uganda</i> (a) The Immunities and Privileges (Immunity from Legal Process of Officers and Servants of International Organizations) Order, 1963	15
(b) The Immunities and Privileges (Extension to International Organizations) Order, 1963	17
(c) The Immunities and Privileges (Application to Specified International Organizations) Declaration, 1963	18
(d) The Immunities and Privileges (Immunity from Income Tax of Officers and Servants of International Organizations) Order, 1963	19

CHAPTER II. TREATY PROVISIONS CONCERNING THE LEGAL STATUS OF THE UNITED NATIONS AND RELATED INTER-GOVERNMENTAL ORGANIZATIONS

A. TREATY PROVISIONS CONCERNING THE LEGAL STATUS OF THE UNITED NATIONS	
1. <i>Convention on the Privileges and Immunities of the United Nations. Adopted by the General Assembly of the United Nations on 13 February 1946</i>	21
2. <i>Agreements relating to conferences, seminars and similar bodies</i> (a) Agreement between the United Nations and the Government of Austria regarding the arrangements for the Vienna Conference on Consular Relations. Signed at Vienna, on 29 January 1963	22

CONTENTS (continued)

	<i>Page</i>
(b) Agreement between the United Nations and the Government of Italy regarding the arrangements for the United Nations Conference on International Travel and Tourism. Signed at Geneva, on 26 July 1963	22
(c) Agreement between the United Nations and the Government of the Congo (Leopoldville) concerning the holding of the fifth session of the Economic Commission for Africa and accompanying meetings. Signed at Leopoldville, on 26 December 1962, and at New York, on 11 January 1963	23
(d) Agreement between the United Nations and the Government of Australia relating to a seminar on the role of the police in the protection of human rights. Signed at Canberra, on 13 May 1963	24
(e) Agreement between the United Nations and the Government of Poland relating to the seminar on the rights of the child. Signed at New York, on 16 July 1963	24
(f) Agreement between the United Nations and the Government of Colombia relating to the seminar on the status of women in family law. Signed at Bogotá and New York, on 27 August 1963	25
(g) Agreement between the United Nations and the Government of India concerning the Demographic Training and Research Centre, Chembur. Signed at New Delhi, on 20 and 27 December 1962	25
(h) Agreement between the United Nations and the Government of the United Arab Republic relating to the Establishment of a Regional Centre for Demographic Research and Training in Africa. Signed at New York, on 8 February 1963	25
3. <i>Agreements relating to the United Nations Children's Fund: revised model Agreement concerning the activities of UNICEF</i>	26
Agreements between UNICEF and the Governments of Tanganyika, Mauritania, Ethiopia, Trinidad and Tobago, Iran and Iraq concerning the activities of UNICEF in these countries. Signed respectively at Kampala on 27 July 1962 and Dar es Salaam on 25 January 1963, at New York on 4 December 1961 and Nouakchott on 19 January 1962, at Addis Ababa on 1 April 1963, at Port-of-Spain on 8 August 1963, at Tehran on 21 November 1963, and at Baghdad on 3 December 1963.	27
4. <i>Agreements relating to technical assistance: model revised Standard Agreement concerning technical assistance</i>	27
(a) Standard Agreements between the United Nations, the International Labour Organisation, the Food and Agriculture Organization of the United Nations, the United Nations Educational, Scientific and Cultural Organization, the International Civil Aviation Organization, the World Health Organization, the International Telecommunication Union, the World Meteorological Organization, the International Atomic Energy Agency and the Universal Postal Union, and the Governments of Rwanda, Burundi, Nepal, Tanganyika, the Syrian Arab Republic, Cyprus, the Upper Volta, Trinidad and Tobago, Mali, Jamaica, Uganda, the United Arab Republic, the Central African Republic and the Congo (Brazzaville) concerning technical assistance. Signed respectively at Kigali on 23	

CONTENTS (continued)

Page

January 1963, at Usumbura on 5 February 1963, at Kathmandu on 14 February 1963, at Dar es Salaam on 6 March 1963, at Damascus on 12 December 1962, at Nicosia on 18 April 1963, at Ouagadougou on 18 April 1963, at Port-of-Spain on 6 May 1963, at New York on 9 May 1963, at Kingston on 22 May 1963, at New York on 24 May 1963, at Cairo on 10 September 1963, at Bangui on 30 October 1963 and at Brazzaville on 7 November 1963 28

(b) Basic Agreement between the United Nations, the International Labour Organisation, the Food and Agriculture Organization of the United Nations, the United Nations Educational, Scientific and Cultural Organization, the International Civil Aviation Organization, the World Health Organization, the International Telecommunication Union, the World Meteorological Organization, the International Atomic Energy Agency and the Universal Postal Union, and the Government of Mongolia, concerning technical assistance. Signed at Ulan Bator, on 24 May 1963 28

(c) Standard Agreement between the United Nations the International Labour Organisation, the Food and Agriculture Organization of the United Nations, the United Nations Educational, Scientific and Cultural Organization, the International Civil Aviation Organization, the World Health Organization, the International Telecommunication Union, the World Meteorological Organization, the International Atomic Energy Agency and the Universal Postal Union, and the Government of Mexico, concerning technical assistance. Signed at Mexico City, on 23 July 1963 29

(d) Revised Standard Agreements between the United Nations, the International Labour Organisation, the Food and Agriculture Organization of the United Nations, the United Nations Educational, Scientific and Cultural Organization, the International Civil Aviation Organization, the World Health Organization, the International Telecommunication Union, the World Meteorological Organization, the International Atomic Energy Agency and the Universal Postal Union, and the Governments of El Salvador and Honduras, concerning technical assistance. Signed respectively at San Salvador on 31 July 1963 and at Tegucigalpa on 8 November 1963 29

(e) Exchanges of letters constituting agreements amending, respectively, the Standard Agreements of 31 May—26 July 1956, 19 June 1958, 1 March 1957, 31 August 1956 and 27 April 1957 between the United Nations, the International Labour Organisation, the Food and Agriculture Organization of the United Nations, the United Nations Educational, Scientific and Cultural Organization, the International Civil Aviation Organization, the World Health Organization, the International Telecommunication Union and the World Meteorological Organization, and the Governments of Yemen, the Republic of Korea, Bolivia, India and Panama, concerning technical assistance. New York, 4 April 1963 and Sana'a, 14 April 1963; New York, 4 April 1963 and Seoul, 18 May 1963; La Paz, 24 September 1963; New York, 19 June 1963, and New Delhi, 3 July and 3 October 1963; New York, 31 July 1963 and Panama, 18 October 1963 30

(f) Exchange of notes constituting an agreement amending the Basic Agreement of 12 June 1956 between the United Nations, the International Labour Organisation, the Food and Agriculture Organization of the

CONTENTS (continued)

	<i>Page</i>
United Nations, the United Nations Educational, Scientific and Cultural Organization, the International Civil Aviation Organization, the World Health Organization, the International Telecommunication Union and the World Meteorological Organization, and the Government of Argentina, concerning technical assistance. New York, 18 October 1963 and Buenos Aires, 31 December 1963	30
5. <i>Agreements relating to the Special Fund: model Agreement concerning assistance from the Special Fund</i>	31
(a) Agreements between the United Nations Special Fund and the Governments of Uganda, Trinidad and Tobago, the Netherlands, Jamaica, the Congo (Leopoldville), Burundi and the Central African Republic concerning assistance from the Special Fund. Signed respectively at New York on 22 March 1963, at Port-of-Spain on 6 May 1963, at New York on 24 May 1963, at Kingston on 22 June 1963, at Leopoldville on 26 July 1963, at Usumbura on 22 August 1963, and at Bangui on 30 October 1963	32
(b) Agreement between the Government of Japan and the United Nations Special Fund concerning assistance from the Special Fund for the establishment of an International Institute of Seismology and Earthquake Engineering. Signed at New York, on 31 October 1962	33
(c) Agreement between the United Nations Special Fund and the Government of New Zealand concerning assistance from the Special Fund. Signed at New York, on 28 June 1963	35
6. <i>Agreements for the provision of Operational, Executive and Administrative Personnel: model Agreement</i>	36
(a) Agreements between the United Nations and the Governments of Israel, the Syrian Arab Republic, Saudi Arabia, Trinidad and Tobago, Mali, Uganda and the United Arab Republic for the provision of operational, executive and administrative personnel. Signed, respectively, at Jerusalem on 7 January 1963, at Damascus on 17 November 1962, at Riyadh on 16 March 1963, at Port-of-Spain on 6 May 1963, at New York on 9 May 1963, at New York on 29 May 1963, and at Cairo on 27 August 1963	37
(b) Agreement between the United Nations and the Government of Nicaragua for the provision of operational, executive and administrative personnel. Signed at New York, on 3 December 1963	38
(c) Agreement between the United Nations and the Government of the Dominican Republic for the provision of operational, executive and administrative personnel. Signed at Santo Domingo, on 5 August 1963.	38
(d) Agreement between the United Nations and the Government of the United Kingdom of Great Britain and Northern Ireland for the provision of operational and executive personnel. Signed at New York, on 27 June 1963	38
(e) Agreement between the United Nations and the Government of Jamaica for the provision of operational, executive and administrative personnel. Signed at Kingston, on 22 May 1963	40
(f) Exchange of letters constituting an agreement between the United Nations and the Government of Tanganyika regarding the interpretation of article IV, paragraph 6 of the Agreement of 1 June 1962 for the	

CONTENTS (continued)

	<i>Page</i>
provision of operational, executive and administrative personnel. Dar es Salaam, 16 and 18 October 1963.	41
7. <i>Exchange of letters constituting an additional Agreement to the interim arrangement of 11 June and 1 July 1946 on Privileges and Immunities of the United Nations concluded between the Secretary-General of the United Nations and the Swiss Federal Council. Berne, 5 April 1963, and Geneva, 11 April 1963 . .</i>	43
8. <i>Exchange of letters constituting an Agreement between the United Nations and Saudi Arabia relating to Privileges, Immunities and Facilities for the Observation Operation along the Saudi Arabia-Yemen border established pursuant to the Security Council resolution of 11 June 1963. New York, 23 August 1963 . . .</i>	44
B. TREATY PROVISIONS CONCERNING THE LEGAL STATUS OF THE INTER-GOVERNMENTAL ORGANIZATIONS RELATED TO THE UNITED NATIONS	
1. <i>Convention on the Privileges and Immunities of the specialized agencies. Adopted by the General Assembly of the United Nations on 21 November 1947</i>	46
2. <i>World Health Organization</i>	
(a) Basic Agreements between the World Health Organization and the Governments of Mongolia and Syria for the provision of technical advisory assistance. Signed respectively at Ulan Bator on 21 June 1963 and New Delhi on 11 July 1963, and at Damascus on 18 November 1962	47
(b) Basic Agreement between the World Health Organization and the Government of Burundi for the provision of technical advisory assistance. Signed at Usumbura, on 8 August 1963, and at Brazzaville, on 30 August 1963	47
(c) Basic Agreement between the World Health Organization and the Government of Jamaica for the provision of technical advisory assistance. Signed at Washington, on 12 July 1963, and at Kingston, on 25 September 1963	47
(d) Agreements between the World Health Organization and the Governments of Burundi and Somalia for the provision of operational assistance. Signed respectively at Usumbura on 30 August and 19 September 1963, and at Alexandria on 8 November 1963 and Mogadiscio on 23 November 1963	48
3. <i>World Meteorological Organization</i>	
Amendments to the Convention of the World Meteorological Organization. Adopted by the Fourth World Meteorological Congress (1963)	48
4. <i>International Atomic Energy Agency</i>	
(a) Agreement on the Privileges and Immunities of the International Atomic Energy Agency. Approved by the Board of Governors of the Agency on 1 July 1959	48
(b) Agreement between the International Atomic Energy Agency and the Governments of Iraq, Lebanon, Libya, Tunisia, the United Arab Republic, etc. for the establishment in Cairo of a Middle Eastern regional radioisotope centre for the Arab countries. Approved by the Board of Governors of the Agency on 14 September 1962	49
(c) Agreement between the International Atomic Energy Agency, the Government of Japan and the Government of the United States of America for	

CONTENTS (continued)

	<i>Page</i>
the application of safeguards by the Agency to the bilateral Agreement between those Governments concerning civil uses of atomic energy. Signed at Vienna, on 23 September 1963	50
(d) Agreement between the International Atomic Energy Agency and the Government of Mexico for assistance by the Agency to Mexico in establishing a research reactor project. Signed at Vienna, on 18 December 1963	50

**Part Two. Legal activities of the United Nations
and related inter-governmental organizations**

**CHAPTER III. SELECTED DECISIONS, RECOMMENDATIONS AND REPORTS OF A LEGAL
CHARACTER BY THE UNITED NATIONS AND RELATED INTER-GOVERNMENTAL
ORGANIZATIONS**

UNITED NATIONS GENERAL ASSEMBLY—EIGHTEENTH SESSION

1. <i>Question of general and complete disarmament: report of the Conference of the Eighteen-nation Committee on Disarmament (agenda item 26)</i> Resolution [1884 (XVIII)] adopted by the General Assembly	53
2. <i>International Co-operation in the Peaceful Uses of Outer Space:</i> (A) <i>Report of the Committee on the Peaceful Uses of Outer Space;</i> (B) <i>Report of the Economic and Social Council [chapter vii (section iv)] (agenda item 28)</i> Resolution [1962 (XVIII)] adopted by the General Assembly	53
3. <i>Draft declaration on the elimination of all forms of racial discrimination (agenda item 43)</i> Resolution [1904 (XVIII)] adopted by the General Assembly	55
4. <i>Report of the International Law Commission on the work of its fifteenth session (agenda item 69)</i> (a) Report of the Sixth Committee (b) Resolution adopted by the General Assembly	58 66
5. <i>Question of extended participation in general multilateral treaties concluded under the auspices of the League of Nations (agenda item 70)</i> (a) Report of the Sixth Committee (b) Resolution adopted by the General Assembly	67 73
6. <i>Consideration of principles of international law concerning friendly relations and co-operation among States in accordance with the Charter of the United Nations (agenda item 71)</i> (a) Report of the Sixth Committee (b) Resolutions adopted by the General Assembly	75 94
7. <i>Technical assistance to promote the teaching, study, dissemination and wider appreciation of international law: report of the Secretary-General with a view to the strengthening of the practical application of international law (agenda item 72)</i>	

CONTENTS (continued)

	<i>Page</i>
(a) Report of the Sixth Committee	97
(b) Resolution adopted by the General Assembly	103
8. <i>Urgent need for suspension of nuclear and thermo-nuclear tests (agenda item 73)</i> Resolution adopted by the General Assembly	105
 CHAPTER IV. TREATIES CONCERNING INTERNATIONAL LAW CONCLUDED UNDER THE AUSPICES OF THE UNITED NATIONS AND RELATED INTER-GOVERNMENTAL ORGANI- ZATIONS	
1. <i>United Nations</i>	
(a) Treaty banning nuclear weapon tests in the atmosphere, in outer space and under water. Signed at Moscow, on 5 August 1963	107
(b) Vienna Convention on Consular Relations. Done at Vienna, on 24 April 1963	109
—Optional Protocol concerning Acquisition of Nationality. Done at Vienna, on 24 April 1963	131
—Optional Protocol concerning the Compulsory Settlement of Disputes. Done at Vienna, on 24 April 1963	133
2. <i>Food and Agriculture Organization of the United Nations</i> Amendments to Articles VI and X-1 of the FAO Constitution	
(a) Amendments to Article VI of the Constitution: resolution 35/63 (Joint Commissions with other Inter-Governmental Organizations)	134
(b) Amendment to Article X-1 of the Constitution: resolution 36/63 (Clari- fication of Article X-1 of the Constitution)	136
3. <i>International Civil Aviation Organization</i> Convention on Offences and Certain other Acts Committed on Board Aircraft. Signed at Tokyo, on 14 September 1963	136
4. <i>World Meteorological Organization</i> Amendments to the Convention of the World Meteorological Organization: Resolutions adopted by the Fourth Congress	
(a) Resolution 1 (Cg-IV): Amendment to Article 13 of the Convention of the World Meteorological Organization	142
(b) Resolution 2 (Cg-IV): Amendments to the Convention of the World Metro- logical Organization	143
5. <i>International Atomic Energy Agency</i> Vienna Convention on Civil Liability for Nuclear Damage. Done at Vienna, on 21 May 1963	148
 CHAPTER V. DECISIONS OF ADMINISTRATIVE TRIBUNALS OF THE UNITED NATIONS AND RELATED INTER-GOVERNMENTAL ORGANIZATIONS	
A. DECISIONS OF THE ADMINISTRATIVE TRIBUNAL OF THE UNITED NATIONS	
1. Judgement No. 87 (3 October 1963): Carson v. Secretary-General of the United Nations	

CONTENTS (continued)

	<i>Page</i>
Interpretation of Judgement No. 85 of 14 September 1962—Meaning of the word “terminate” in Staff Regulation 9.3	158
2. Judgement No. 88 (3 October 1963): Davidson v. Secretary-General of the United Nations	
Question of reimbursement by the Secretary-General of the Social Security Self-Employment Tax paid by staff members of United States nationality on their United Nations salaries and emoluments—Interpretation of Staff Regulation 3.3	159
3. Decision of 3 October 1963 under article 7 of the Statute of the Tribunal: Rayray v. Secretary-General of the United Nations	
Submission of a dispute directly to the Administrative Tribunal without prior reference to a joint appeals body—Article 7 of the Statute of the Tribunal	159
4. Judgement No. 89 (9 October 1963): Young v. Secretary-General of the International Civil Aviation Organization	
Request by a former Technical Assistance official of ICAO for validation by the United Nations Joint Staff Pension Fund of service completed before his participation in the Fund—Interpretation of article III of the Regulations of the Joint Staff Pension Fund	159
5. Judgement No. 90 (9 October 1963): Chiacchia v. Secretary-General of the United Nations	
Powers of the Secretary-General with regard to the termination of probationary appointments—Interpretation of Staff Regulation 9.1(c)	160
B. DECISIONS OF THE ADMINISTRATIVE TRIBUNAL OF THE INTERNATIONAL LABOUR ORGANISATION	160
CHAPTER VI. SELECTED LEGAL OPINIONS OF THE SECRETARIAT OF THE UNITED NATIONS AND RELATED INTER-GOVERNMENTAL ORGANIZATIONS	
A. LEGAL OPINIONS OF THE SECRETARIAT OF THE UNITED NATIONS	
1. Membership of Malaysia in the United Nations	161
2. Right of transit to the Headquarters district—Interpretation of sections 11 and 13 of the Headquarters Agreement	164
3. Right of access to United Nations meetings and offices	167
4. Privileges and immunities of permanent missions in respect of their bank accounts	168
5. Establishment of joint bodies by the United Nations and other inter-governmental organizations	168
6. Enlargement of the Economic Committee, the Social Committee and the Co-ordination Committee of the Economic and Social Council	169
7. Composition of the Inter-Sessional Working Group of the Committee for Industrial Development—Continuation of membership of Peru and Poland	170
8. United Nations Conference on Trade and Development—Question of inviting the Federation of Rhodesia and Nyasaland	170

CONTENTS (continued)

	<i>Page</i>
9. Participation in the 1964 Latin American Seminar of Experts on Foreign Trade—Interpretation of Economic Commission for Latin America resolution 221 (X) of 16 May 1963	171
10. Participation of foundations in some of the ECAFE seminars	171
11. Eligibility of Western Samoa for technical assistance under the regular programme—Interpretation of General Assembly resolution 200 (III) of 4 December 1948	172
12. Eligibility of Western Samoa for technical assistance in public administration—Interpretation of General Assembly resolution 1256 (XIII) of 14 November 1958	174
13. Special training programme for Territories under Portuguese administration—Implementation of General Assembly resolution 1808 (XVII) of 14 December 1962.	176
14. Status of the Agreements of 7 January 1960 and 25 July 1961 between the United Nations Special Fund and, respectively, the Government of the United Kingdom and the Government of the Federation of Malaya, as regards Singapore and Sabah (North Borneo)	178
15. Waiver of privileges and immunities of a specialized agency participating in a Special Fund project as a sub-contractor	179
16. Vessels to be used in the United Nations Special Fund Caribbean Fishery Project	180
17. Convention of 28 July 1951 relating to the Status of Refugees—Succession by Jamaica to rights and obligations	181
18. Publication of a communication received from a non-governmental organization—Interpretation of General Assembly resolution 1779 (XVII) of 7 December 1962	183
19. International driving permit—Interpretation of article 24 of the Convention of 19 September 1949 on Road Traffic	184
20. New York-Geneva submarine cable leased by the United Nations—Usage by specialized agencies for transmission of cables—Resolution No. 26 of the Plenipotentiary Conference of the International Telecommunication Union (Buenos Aires, 1952)—Telegraph Regulations (Paris revision, 1949), resolution No. 9—Telegraph Regulations (Geneva revision, 1958), articles 86 and 87	185
21. Immunity from legal process of United Nations officials	188
22. Proposed accession by a Member State to the Convention on the Privileges and Immunities of the United Nations subject to a reservation denying to any United Nations official of that State's nationality any privilege or immunity under the Convention—Interpretation of articles IV, V and VI of the Convention	188
23. Right of the United Nations to visit and converse with staff members in custody or detention	191
 B. LEGAL OPINIONS OF THE SECRETARIAT OF INTER-GOVERNMENTAL ORGANIZATIONS RELATED TO THE UNITED NATIONS	
1. <i>International Labour Office</i>	193

CONTENTS (continued)

	<i>Page</i>
2. <i>Secretariat of the United Nations Educational, Scientific and Cultural Organization</i>	
Practice of UNESCO regarding the effect of independence on the participation of Associate Members	193.
Part Three. Judicial decisions on questions relating to the United Nations and related inter-governmental organizations	
CHAPTER VII. DECISIONS OF INTERNATIONAL TRIBUNALS	
<i>International Court of Justice</i>	
Case concerning the Northern Cameroons (Cameroon v. United Kingdom), Preliminary Objections: Judgement of 2 December 1963	199.
CHAPTER VIII. DECISIONS OF NATIONAL TRIBUNALS	
1. <i>United States of America</i>	
U.S. District Court, Southern District of New York	
U.S. Ex. Rel. Roberto Santiesteban Casanova v. Walter W. Fitzpatrick: Judgement of 16 January 1963	
Status of staff member of Permanent Mission to United Nations—Interpretation of Article 105 of United Nations Charter and article V, section 15 of the Headquarters Agreement—Jurisdiction of Federal District Court	200
2. <i>United States of America</i>	
U.S. District Court, Eastern District of New York	
U.S.A. v. Ivan Dmitrievich Egorov and Aleksandra Egorova: Judgement of 7 October 1963	
Effect of visa and diplomatic passport—United Nations employee accused of criminal act not within his official duties is not entitled to immunity or Supreme Court's original jurisdiction	202.
Part Four. Legal documents index and bibliography of the United Nations and related intergovernmental organizations	
CHAPTER IX. LEGAL DOCUMENTS INDEX OF THE UNITED NATIONS AND RELATED INTER-GOVERNMENTAL ORGANIZATIONS	
A. LEGAL DOCUMENTS INDEX OF THE UNITED NATIONS	207
I. <i>General Assembly and subsidiary organs</i>	208
1. Plenary General Assembly and Main Committees	
(A) (i) Documents relating to agenda items of legal interest (eighteenth session)	
(1) Report of the Committee on arrangements for a conference for the purpose of reviewing the Charter (agenda item 21)	208
(2) Report of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples (agenda item 23)	208

CONTENTS (continued)

	<i>Page</i>
(3) Report of the <i>Ad Hoc</i> Committee on the Improvement of the Methods of Work of the General Assembly (agenda item 25)	209
(4) Question of general and complete disarmament: report of the Conference of the Eighteen-Nation Committee on Disarmament (agenda item 26)	209
(5) Question of convening a conference for the purpose of signing a convention on the prohibition of the use of nuclear and thermo-nuclear weapons: report of the Secretary-General (agenda item 27)	209
(6) International co-operation in the peaceful uses of outer space: (a) Report of the Committee on the Peaceful Uses of Outer Space; (b) Report of the Economic and Social Council (chapter VII, section IV) (agenda item 28)	209
(7) Draft Declaration on the Elimination of all Forms of Racial Discrimination (agenda item 43)	210
(8) Draft International Covenants on Human Rights (agenda item 48)	210
(9) Question of South West Africa (agenda item 55)	211
(10) Report of the International Law Commission on the work of its fifteenth session (agenda item 69)	211
(11) Question of extended participation in general multilateral treaties concluded under the auspices of the League of Nations (agenda item 70)	211
(12) Consideration of principles of international law concerning friendly relations and co-operation among States in accordance with the Charter of the United Nations (agenda item 71)	212
(13) Technical assistance to promote the teaching, study, dissemination and wider appreciation of international law: report of the Secretary-General with a view to the strengthening of the practical application of international law (agenda item 72)	212
(14) Urgent need for suspension of nuclear and thermo-nuclear tests (agenda item 73)	213
(15) Denuclearization of Latin America (agenda item 74)	213
(16) Question of the composition of the General Committee of the General Assembly (agenda item 81), question of equitable representation on the Security Council and the Economic and Social Council (agenda item 82) and report of the Economic and Social Council (chapter XIII (section VI)) (agenda item 12)	213
(A) (ii) Documents relating to an agenda item of legal interest (fourth special session)	
Consideration of the financial situation of the Organization in the light of the report of the Working Group on the Examination of the Administrative and Budgetary Procedures of the United Nations (agenda item 7)	214
(B) Other documents of legal interest	215
2. Committee on arrangements for a conference for the purpose of reviewing the Charter	
Documents relating to an agenda item of legal interest (fifth session)	

CONTENTS (continued)

	<i>Page</i>
Consideration of General Assembly resolution 1756 (XVII)	216
3. Executive Committee of the Programme of the United Nations High Commissioner for Refugees	
Document of legal interest	216
4. Committee on the Peaceful Uses of Outer Space	
(i) Documents relating to agenda items of legal interest (fourth session)	
General debate (agenda item 3) and report of the Legal Sub-Committee on the work of its second session (agenda item 5)	216
(ii) Documents relating to an agenda item of legal interest (fifth session)	
Consideration of working paper, "Declaration of Legal Principles Governing the Activities of States in the Exploration and Use of Outer Space" (agenda item 2)	217
5. Special Committee on Territories under Portuguese Administration	
Document of legal interest	217
6. Special Committee on the Policies of Apartheid of the Government of the Republic of South Africa	
Document of legal interest	217
7. International Law Commission	
(A) Documents relating to agenda items of legal interest (fifteenth session)	
(1) Law of treaties (agenda item 1)	218
(2) Question of extended participation in general multilateral treaties concluded under the auspices of the League of Nations (General Assembly resolution 1766 (XVII)) (agenda item 2)	218
(3) State responsibility: report of the Sub-Committee (agenda item 3)	218
(4) Succession of States and Governments: report of the Sub-Committee (agenda item 4)	218
(5) Special missions (agenda item 5)	218
(6) Relations between States and inter-governmental organizations (agenda item 6)	218
(B) Other documents of legal interest	219
8. United Nations Conference on Diplomatic Intercourse and Immunities (Vienna, 1961)	
Documents of legal interest	219
9. United Nations Conference on Consular Relations (Vienna, 1963)	
Documents of legal interest	219
II. <i>Security Council and subsidiary organs</i>	219
Security Council	
Documents of legal interest	219
III. <i>Economic and Social Council and subsidiary organs</i>	219
1. Economic and Social Council and sessional Committees	

CONTENTS (continued)

	<i>Page</i>
(A) (i) Documents relating to an agenda item of legal interest (thirty-fifth session) Capital punishment (agenda item 11)	219
(A) (ii) Documents relating to agenda items of legal interest (thirty-sixth session)	
(1) Question of procedures for the revision of the International Convention on Road Traffic and of the Protocol on Road Signs and Signals, done at Geneva, 19 September 1949 (agenda item 16)	220
(2) Report of the Commission on Human Rights (agenda item 21)	220
(3) Report of the Commission on the Status of Women (agenda item 22)	220
(4) Slavery (agenda item 24)	221
(B) Other document of legal interest	221
2. Committee for Industrial Development Document of legal interest	221
3. Commission on Human Rights	221
(A) Documents relating to agenda items of legal interest (nineteenth session)	
(1) Study of the right of everyone to be free from arbitrary arrest, detention and exile, and draft principles on freedom from arbitrary arrest and detention (agenda item 4)	221
(2) Prevention of discrimination and protection of minorities	221
. . . (agenda item 6)	221
b. Draft principles on freedom and non-discrimination in the matter of political rights	
c. Report of the fifteenth session of the Sub-Commission on Prevention of Discrimination and Protection of Minorities	
(3) Draft declaration and draft convention on the elimination of all forms of racial discrimination (agenda item 12)	222
(4) Draft declaration and draft convention on the elimination of all forms of religious intolerance (agenda item 13)	222
(5) Draft International Covenants on Human Rights: proposals relating to an article on the rights of the child (agenda item 14)	222
(B) Other document of legal interest	223
4. Social Commission Document of legal interest	223
5. Commission on the Status of Women	
(A) Documents relating to an agenda item of legal interest (seventeenth session) Status of women in private law:	
a. Draft Recommendation on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages	223
. . . (agenda item 7)	223

CONTENTS (continued)

	<i>Page</i>
(B) Other document of legal interest	223
6. Commission on Narcotic Drugs Documents of legal interest	223
7. Economic Commission for Africa Documents of legal interest	224
8. United Nations Conference on Olive Oil (Geneva, 1963) Documents of legal interest	224
9. United Nations Sugar Conference (London, 1963) Documents of legal interest	224
IV. <i>Secretariat</i>	224
Bureau of Technical Assistance Operations Human rights seminars	224
V. <i>International Court of Justice</i>	224
1. General	224
2. Reports of Judgements, Advisory Opinions and Orders	224
3. Pleadings, Oral Arguments, Documents	225
 B. LEGAL DOCUMENTS INDEX OF THE INTER-GOVERNMENTAL ORGANIZATIONS RELATED TO THE UNITED NATIONS	
I. <i>International Labour Organisation</i>	225
(A) Representative organs	
(1) International Labour Conventions and Recommendations adopted in 1963	
(a) Convention and Recommendation concerning the guarding of machinery	225
(b) Recommendation concerning termination of employment at the initiative of the employer	226
(2) Standing Orders Questions	
(a) Procedure for the consideration of resolutions relating to matters not included in an item on the agenda of the International Labour Conference	226
(b) Amendment of article 11 of the Standing Orders of the Governing Body following the coming into force of the Final Articles Revision Convention, 1961	226
(c) Revision of the Standing Orders for Industrial Committees	226
(d) Periodicity of the Conference. Rules governing the calculation of the quorum	227
(3) Resolution concerning the Statute of the International Centre for Advanced Technical and Vocational Training, adopted by the Governing Body on 31 May 1963	227
(B) Quasi-judicial bodies and committees of experts	
(1) Report of the Commission appointed under article 26 of the Constitution of the International Labour Organisation to examine the complaint filed by	

CONTENTS (continued)

	<i>Page</i>
the Government of Portugal concerning the observance by the Government of Liberia of the Forced Labour Convention, 1930 (No. 29), 4 February 1963	227
(2) Reports of the Governing Body Committee on Freedom of Association	227
(3) Report of the Committee of Experts on the Application of Conventions and Recommendations	227
(C) Report of the Director-General of the International Labour Office on the programme and structure of the ILO	227
II. <i>Food and Agriculture Organization of the United Nations</i>	227
(A) Documents concerning proposed or existing Agreements under the auspices of FAO	227
(B) Statutes and rules of procedure of bodies established under article VI of the FAO Constitution	228
(C) Conference decisions on substantive legal questions	228
(D) Legislation and comparative studies	229
III. <i>United Nations Educational, Scientific and Cultural Organization</i>	229
(A) Constitutional questions	229
(B) Agreements with other organizations	230
(C) Procedural questions	230
(D) Conventions and recommendations	230
(E) Institutes, centres and other bodies	231
(F) Others	231
IV. <i>International Civil Aviation Organization</i>	231
(1) Trilingual text of the Convention on International Civil Aviation	231
(2) Status in ICAO of the Federation of Malaysia	232
(3) Establishment and maintenance of the list of arbitrators referred to in article 85 of the Convention on International Civil Aviation	232
(4) International Conference on Air Law (Tokyo, 1963)	232
(5a) Problems arising when an aircraft registered in one State is operated by an operator belonging to another State	233
(5b) Problems concerning charter on a barehull basis in relation to offences committed on aircraft	233
(6) Re-examination of the Convention on Damage Caused by Foreign Aircraft to Third Parties on the Surface (Rome, 1952)	233
(7) Re-examination of the Convention on the International Recognition of Rights in Aircraft (Geneva, 1948)	233
(8) Agreement between the Government of Senegal and ICAO on Privileges, Immunities and Facilities	234
(9) Agreement between the Government of France and ICAO on Privileges, Immunities and Facilities	234
(10) Annexes to the Convention on International Civil Aviation, Procedures for Air Navigation Services (PANS), Regional Supplementary Procedures (SUPPS)	234

CONTENTS (continued)

	<i>Page</i>
V. <i>World Meteorological Organization</i>	234
(A) Amendments to the Convention of the World Meteorological Organization	234
(B) Review of the General Regulations of the World Meteorological Organization	235
VI. <i>International Atomic Energy Agency</i>	236
(1) Statute and membership of the Agency	236
(2) Internal regulations on procedural and administrative questions . .	236
(3) International Conventions	236
(4) Agreements with the United Nations and other organizations	237
(5) Others	237
 CHAPTER X. LEGAL BIBLIOGRAPHY OF THE UNITED NATIONS AND RELATED INTER- GOVERNMENTAL ORGANIZATIONS	 238
A. INTERNATIONAL ORGANIZATIONS IN GENERAL	
1. <i>General</i>	238
2. <i>Particular questions</i>	239
B. UNITED NATIONS	
1. <i>General</i>	239
2. <i>Particular organs</i>	241
Administrative Tribunal	241
Economic and Social Council	241
General Assembly	241
International Court of Justice	242
Secretariat	242
Security Council	244
United Nations Conciliation Commission for Palestine	244
United Nations Forces	244
United Nations Relief and Works Agency for Palestine Refugees in the Near East	245
3. <i>Particular questions or activities</i>	245
Collective security	245
Commodity agreements	245
Consular relations	245
Diplomatic relations	246
Disarmament	246
Financing	247
Friendly relations and co-operation among States	248
Human rights	249
International rivers	250
Law of the sea	250
Law of treaties	250
Membership and representation	251
Narcotic drugs	251
Non-self-governing territories	251
Outer space	251

CONTENTS (continued)

	<i>Page</i>
Permanent sovereignty over natural resources	254
Political and security questions	254
Privileges and immunities	256
Progressive development and codification of international law (in general)	256
Refugees	256
Regional arrangements	256
Rule of law	256
Self-determination	257
Social defence	258
State responsibility	258
State succession	258
Statelessness	259
Treaty-making power	259
Trusteeship	259
Use of force	259
C. INTER-GOVERNMENTAL ORGANIZATIONS RELATED TO THE UNITED NATIONS	
1. <i>General</i>	259
2. <i>Particular organizations</i>	260
Food and Agriculture Organization of the United Nations	260
General Agreement on Tariffs and Trade	260
Inter-Governmental Maritime Consultative Organization	260
International Atomic Energy Agency	260
International Civil Aviation Organization	261
International Labour Organisation	262
International Monetary Fund	262
International Telecommunication Union	262
United Nations Educational, Scientific and Cultural Organization	263
Universal Postal Union	263
World Health Organization	263
World Meteorological Organization	263

FOREWORD

By its resolution 1814 (XVII) of 18 December 1962, the General Assembly requested the Secretary-General to publish a Juridical Yearbook which would include documentary materials of a legal character concerning the United Nations and related inter-governmental organizations. The various materials to be published were listed in an outline annexed to the resolution. In the preparation of the present volume, an attempt has been made to follow this outline as closely as possible.¹

Chapter I and chapter II contain, respectively, legislative texts and treaty provisions concerning the legal status of the United Nations and related inter-governmental organizations. They correspond to the two parts of each of the two volumes of the *United Nations Legislative Series* devoted—for periods concluding at the end of 1959 and the end of November 1960 respectively—to the legal status, privileges and immunities of international organizations² and will thus constitute a kind of annual supplement to these volumes of the *Legislative Series*. The third major category of documents which may have a bearing on the legal status of the organizations concerned—namely, decisions of international and national tribunals—will be found in chapters VII and VIII of the *Yearbook*. In the case of both legislative texts and treaty provisions the documents included are those which entered into force in 1963.

Chapter III contains the decisions, recommendations and reports of a legal character which, in the view of the organization concerned, merited reproduction in whole or in part. Other documents under this category are simply enumerated in bibliographical form in chapter IX.

The criterion employed for selection of the treaties reproduced in chapter IV is conclusion of the treaty in 1963, rather than entry into force in that year. This criterion has been used in order to reduce in some measure the difficulty created by the sometimes considerable time-lag between the conclusion of treaties and their publication in the United Nations *Treaty Series* following upon entry into force.

The index in chapter IX is designed to provide, together with the texts reproduced in chapter III, as complete a picture as possible of the legal documentation of the United Nations and related inter-governmental organizations. A part of the index has been set aside for each of the organizations, which were requested to present their own documentation in the manner best suited to the material.

Finally, the bibliography in chapter X lists works and articles of a legal character published in 1963, regardless of the period to which they refer.

The documents published in the *United Nations Juridical Yearbook* were supplied by the organizations concerned, with the exception of the legislative texts and judicial decisions in chapters I and VIII, respectively, which were communicated by Governments at the request of the Secretary-General.

¹ See the *Explanatory Note to the United Nations Juridical Yearbook, 1962*, a volume published experimentally and in mimeographed form as document ST/LEG/8.

² United Nations *Legislative Series, Legislative texts and treaty provisions concerning the legal status, privileges and immunities of international organizations* (ST/LEG/SER.B/10 and 11), 2 vol.

ABBREVIATIONS

BANK	International Bank for Reconstruction and Development
CCITT	International Telegraph and Telephone Consultative Committee
ECA	Economic Commission for Africa
ECAFE	Economic Commission for Asia and the Far East
ECLA	Economic Commission for Latin America
ESC	Economic and Social Council
FAO	Food and Agriculture Organization of the United Nations
FUND	International Monetary Fund
IAEA	International Atomic Energy Agency
ICAO	International Civil Aviation Organization
ICFTU	International Confederation of Free Trade Unions
ICJ	International Court of Justice
IDA	International Development Association
IFC	International Finance Corporation
ILO	International Labour Organisation
IMCO	Inter-governmental Maritime Consultative Organization
ITU	International Telecommunication Union
ONUC	United Nations Operation in the Congo
OPEX	Operational and Executive Personnel Programme
TAB	Technical Assistance Board
UNEF	United Nations Emergency Force
UNESCO	United Nations Educational, Scientific and Cultural Organization
UNICEF	United Nations Children's Fund
UPU	Universal Postal Union
WHO	World Health Organization
WMO	World Meteorological Organization

Part One

**LEGAL STATUS OF THE UNITED NATIONS
AND RELATED INTER-GOVERNMENTAL ORGANIZATIONS**

Chapter I

LEGISLATIVE TEXTS CONCERNING THE LEGAL STATUS OF THE UNITED NATIONS AND RELATED INTER-GOVERNMENTAL ORGANIZATIONS

1. Australia

INTERNATIONAL ORGANIZATIONS (PRIVILEGES AND IMMUNITIES) ACT, 1963

AN ACT¹ RELATING TO THE PRIVILEGES AND IMMUNITIES OF CERTAIN INTERNATIONAL ORGANIZATIONS AND OF PERSONS CONNECTED THEREWITH, AND FOR OTHER PURPOSES.

Be it enacted by the Queen's Most Excellent Majesty, the Senate, and the House of Representatives of the Commonwealth of Australia, as follows:

1. This Act may be cited as the International Organizations (Privileges and Immunities) Act 1963.

2. (1) The International Organizations (Privileges and Immunities) Act 1948² and the International Organizations (Privileges and Immunities) Act 1960 are repealed.

(2) Subject to the next succeeding sub-section, regulations made under the Acts repealed by the last preceding sub-section and in force immediately before the commencement of this Act continue in force as if those Acts had not been repealed but regulations so continued in force may be repealed by regulations made under this Act.

(3) Where regulations are made under this Act conferring privileges or immunities upon an international organization to which this Act applies or upon a person, any regulations continued in force by the last preceding sub-section that also confer privileges or immunities upon that organization or person cease to have effect in relation to that organization or person.

3. (1) In this Act, unless the contrary intention appears:

“association” means an association or other body or group of persons, whether incorporated or not;

“envoy” means an envoy of a foreign sovereign power accredited to the Queen in Australia;

“international conference” means a conference that is attended by:

(a) A person or persons representing Australia; and

(b) A person or persons representing a country or countries other than Australia;

“international organization to which this Act applies” means an organization that is declared by the regulations to be an international organization to which this Act applies, and includes:

¹ No. 50 of 1963. Assented to on 18 October 1963. Date of commencement : 15 November 1963.

² See United Nations *Legislative Series, Legislative texts and treaty provisions concerning the legal status, privileges and immunities of international organizations*, vol. I (ST/LEG/SER.B/10), p. 3.

- (a) An organ of, or office within, an organization that is so declared;
- (b) A commission, council or other body established by such an organization or organ; and
- (c) A committee, or sub-committee of a committee, of such an organization, organ, commission, council or body.

(2) The privileges and immunities conferred by this Act or the regulations are privileges and immunities in relation to the operation of the laws of the Commonwealth (including Acts of the Commonwealth other than this Act) and of the States and Territories of the Commonwealth.

(3) For the purposes of this Act, a person who is, or has been during any period, a member of an organ of an international organization to which this Act applies but is not, or has not been during that period, accredited to that organ as a representative of a country shall be deemed to be, or to have been during that period, as the case may be, so accredited as a representative of the country of which he is a national.

(4) For the purposes of this Act:

- (a) An alternate or deputy of, or substitute for, a representative of a country; and
- (b) An adviser to, or expert assisting, such a representative, shall each be deemed to be a member of the official staff of the representative.

(5) References in this Act to countries shall be read as including references to the governments of countries.

(6) A reference in this Act to a Schedule by number shall be read as a reference to the Schedule to this Act so numbered.

4. This Act extends to every Territory of the Commonwealth.

5. The regulations may declare an organization:

- (a) Of which Australia and a country or countries other than Australia are members; or
 - (b) That is constituted by a person or persons representing Australia and a person or persons representing a country or countries other than Australia,
- to be an international organization to which this Act applies.

6. (1) Subject to this section, the regulations may, either without restriction or to the extent or subject to the conditions prescribed by the regulations:

(a) Confer upon an international organization to which this Act applies:

- (i) Juridical personality and such legal capacities as are necessary for the exercise of the powers and the performance of the functions of the organization; and
- (ii) All or any of the privileges and immunities specified in the First Schedule;

(b) Confer:

- (i) Upon a person who holds, or is performing the duties of, an office prescribed by the regulations to be a high office in an international organization to which this Act applies all or any of the privileges and immunities specified in Part I of the Second Schedule; and
- (ii) Upon a person who has ceased to hold, or perform the duties of, such an office the immunities specified in Part II of the Second Schedule;

(c) Confer:

- (i) Upon a person who is accredited to, or is in attendance at an international conference convened by, an international organization to which this Act applies as a

representative of a country other than Australia all or any of the privileges and immunities specified in Part I of the Third Schedule; and

- (ii) Upon a person who has ceased to be accredited to such an organization, or has attended such a conference, as such a representative the immunities specified in Part II of the Third Schedule;

(d) Confer:

- (i) Upon a person who holds an office in an international organization, to which this Act applies (not being an office prescribed by the regulations to be a high office) all or any of the privileges and immunities specified in Part I of the Fourth Schedule; and
- (ii) Upon a person who has ceased to hold such an office the immunities specified in Part II of the Fourth Schedule; and

(e) Confer:

- (i) Upon a person who is serving on a committee, or is participating in the work, of an international organization to which this Act applies or is performing, whether alone or jointly with other persons, a mission on behalf of such an organization all or any of the privileges and immunities specified in Part I of the Fifth Schedule; and
- (ii) Upon a person who has served on such a committee or participated in such work or has performed such a mission the immunities specified in Part II of the Fifth Schedule.

(2) Regulations made for the purposes of this section may be of general application or may relate to:

- (a) Particular international organizations to which this Act applies;
- (b) Particular offices or classes of offices;
- (c) Particular conferences, committees or missions or classes of conferences, committees or missions; or
- (d) Representatives of particular countries.

(3) Where by the regulations any privileges or immunities are conferred upon a person who is accredited to, or is in attendance at an international conference convened by, an international organization to which this Act applies as a representative of a country other than Australia, that person is entitled to the same privileges and immunities while travelling to a place for the purpose of presenting his credentials or of attending the conference or while returning from a place after ceasing to be so accredited or after attending the conference.

(4) Where by the regulations any privileges or immunities are conferred upon a person who is serving on a committee, or participating in the work, of an international organization to which this Act applies or is performing, whether alone or jointly with persons, a mission on behalf of such an organization, that person is entitled to the same privileges and immunities while travelling to a place for the purpose of serving on the committee or participating in that work or performing the mission or while returning from a place after serving on the committee or participating in that work or performing the mission.

(5) Subject to the next succeeding sub-section, where by the regulations or by sub-section (3) of this section any privileges or immunities are conferred upon a person who is, or has been, a person accredited to, or in attendance at an international conference convened by, an international organization to which this Act applies as a representative of a country other than Australia, a person who is, or has been during any period, a member of the official staff of the first-mentioned person is entitled, in respect of that period, to the same privileges and immunities.

(6) A person who is, or has been, a representative of a country other than Australia or a member of the official staff of such a representative during a period when he is or was an Australian citizen is not entitled under this section or the regulations to any privileges or immunities in respect of that period, except in respect of acts and things done in his capacity as such a representative or member.

7. (1) Where:

- (a) An international conference is, or is to be, held in Australia or in a Territory of the Commonwealth; or
- (b) A mission is, or is to be, sent by a country other than Australia to Australia or to a Territory of the Commonwealth,

and it appears to the Governor-General that the provisions of this Act other than this section do not, or may not, apply in relation to that conference or mission but it is desirable that diplomatic privileges and immunities should be applicable in relation to that conference or mission, the regulations may declare the conference or mission, as the case may be, to be a conference or mission to which this section applies.

(2) Subject to the next succeeding sub-section, where a conference or mission has been declared by the regulations to be a conference or mission to which this section applies:

(a) A person who is, or has been, a representative of a country other than Australia at the conference or on the mission is, in respect of the period during which he is, or has been, such a representative, entitled to the privileges and immunities accorded to an envoy;

(b) A person who is, or has been, a member of the official staff of a person referred to in the last preceding paragraph during the whole or any part of the period referred to in that paragraph is entitled to the privileges and immunities accorded to a member of the retinue of an envoy in respect of that period or that part of that period, as the case may be; and

(c) In the case of an international conference—a person who is, or has been, a member of the secretariat established for the purposes of the conference is entitled to immunity from suit and from other legal process in respect of acts and things done in his capacity as such a member.

(3) A person who is, or has been, in attendance at an international conference, or engaged on a mission, to which this section applies as a representative, or as a member of the official staff of a representative, of a country other than Australia during a period when he is or was an Australian citizen, is not entitled under the last preceding sub-section to any privileges or immunities in respect of that period, except in respect of acts and things done in his capacity as such a representative or member.

8. (1) Where the Minister is satisfied that persons, or members of the official staffs of persons, representing Australia at an international conference in a country would not receive in that country privileges and immunities corresponding to those conferred in Australia by this Act or the regulations upon persons, or upon members of the official staffs of persons, representing that country, the Minister may, by instrument in writing, withdraw from the representatives, or from the members of the official staffs of the representatives, of that country all or any of those privileges and immunities.

(2) The Minister shall cause any such instrument to be published in the *Gazette*.

9. The regulations may confer upon:

- (a) The judges, assessors and officials of the International Court of Justice established by the Charter of the United Nations;
- (b) Persons engaged on missions by order of that Court;
- (c) The agents, advocates and counsel of countries that are parties in cases before that Court; and

(d) Witnesses in cases before that Court,

such privileges and immunities as are required to give effect to the Statute of that Court and such privileges and immunities in respect of acts and things done in the course of the performance of their functions in connexion with the business of that Court as are required to give effect to any resolution of, or convention or agreement approved by, the General Assembly of the United Nations.

10. The regulations may make provision for or in relation to the waiver of any privileges or immunities to which an international organization or a person is entitled by virtue of this Act or the regulations.

11. (1) The Minister may give a certificate in writing certifying any fact relating to the question whether a person is, or was at any time or in respect of any period, entitled, by virtue of this Act or the regulations, to any privileges or immunities.

(2) In any proceedings, a certificate given under this section is evidence of the facts certified.

12. (1) Except with the consent in writing of the Minister, a person (including a body corporate) shall not:

(a) Use the name or an abbreviation of the name of an international organization to which this Act applies in connexion with a trade, business, profession, calling or occupation; or

(b) Use:

(i) A seal, emblem or device that is identical with the official seal or emblem of an international organization to which this Act applies;

(ii) A seal, emblem or device so nearly resembling the official seal or emblem of such an organization as to be capable of being mistaken for that seal or emblem; or

(iii) A seal, emblem or device that is capable of being taken to be the official seal or emblem of such an organization.

Penalty: Fifty pounds.

(2) Where, without the consent in writing of the Minister, the name or an abbreviation of the name of an international organization to which this Act applies, or a seal, emblem or device referred to in paragraph (b) of the last preceding sub-section:

(a) Is used as, or as part of, the name, seal or emblem of an association;

(b) Is used as, or as part of, the name or emblem of a newspaper or magazine owned by, or published by or on behalf of, an association; or

(c) Is used by an association in connexion with any activity of the association so as to imply that the association is in any way connected with that organization,

then:

(d) If the association is a body corporate—the association; or

(e) If the association is not a body corporate—every member of the governing body of the association,

is guilty of an offence against this section and is punishable upon conviction by a fine not exceeding fifty pounds.

(3) A person shall not be convicted of an offence against this section in respect of the use of an abbreviation of the name of an international organization to which this Act applies if the use occurred in such circumstances or in relation to such matters as to be unlikely to be taken to imply any connexion with the organization, unless the prosecution proves that the use was intended to imply such a connexion.

(4) The conviction of a person of an offence under this section in respect of the use of a name, abbreviation of a name, seal, emblem or device does not prevent a further conviction of that person in respect of the use of that name, abbreviation, seal, emblem or device at any time after the first-mentioned conviction.

(5) For the purposes of this section:

- (a) Any combination of words or letters, or of both words and letters, that is capable of being understood as referring to an international organization to which this Act applies shall be deemed to be an abbreviation of the name of that organization; and
- (b) If a seal or emblem is declared by the regulations to be the official seal or emblem of an international organization to which this Act applies, that seal or emblem shall be taken to be the official seal or emblem of that organization.

(6) Proceedings under this section shall not be instituted without the consent in writing of the Attorney-General.

13. The Governor-General may make regulations, not inconsistent with this Act, prescribing all matters required or permitted by this Act to be prescribed, or necessary or convenient to be prescribed for carrying out or giving effect to this Act.

THE SCHEDULES

First Schedule

Section 6

Privileges and Immunities of International Organization

1. Immunity of the organization, and of the property and assets of, or in the custody of, or administered by, the organization, from suit and from other legal process.
2. Inviolability of property and assets of, or in the custody of, or administered by, the organization and of premises of, or occupied by, the organization.
3. Exemption of property and assets of, or in the custody of, or administered by, the organization from restrictions and controls.
4. Inviolability of archives.
5. Exemption from currency and exchange restrictions.
6. Exemption from duties on the importation or exportation of :
 - (a) Goods imported or exported by the organization for its official use; and
 - (b) Publications of the organization imported or exported by it.
7. Exemption of the organization from the liability to pay or collect taxes other than duties on the importation or exportation of goods and of the income, property, assets and transactions of the organization from such taxes.
8. Exemption from taxes of obligations and securities issued or guaranteed by the organization and of interest and dividends on such obligations and securities.
9. Exemption from prohibitions and restrictions on the importation or exportation of:
 - (a) Goods imported or exported by the organization for its official use; and
 - (b) Publications of the organization imported or exported by it.
10. The right to avail itself, for telegraphic communications sent by it and containing only matter intended for publication by the press or for broadcasting (including communications addressed

to or despatched from places outside Australia), of any reduced rates applicable in relation to telegraphic communications by the press.

11. Absence of censorship for official correspondence and other official communications.

12. The right to use codes and to send and receive correspondence and other papers and documents by couriers or in sealed bags and to have any such couriers or bags treated as diplomatic couriers or diplomatic bags, as the case may be.

Second Schedule

Section 6

PART I

Privileges and Immunities of High Officer of International Organization

The like privileges and immunities (including privileges and immunities in respect of a spouse and children under the age of twenty-one years) as are accorded to an envoy.

PART II

Immunities of Former High Officer of International Organization

Immunity from suit and from other legal process in respect of acts and things done in his capacity as such an officer.

Third Schedule

Section 6

PART I

Privileges and Immunities of Representative accredited to, or attending Conference convened by, International Organization

1. Immunity from personal arrest or detention.

2. Immunity from suit and from other legal process in respect of acts and things done in his capacity as such a representative.

3. Inviolability of papers and documents.

4. The right to use codes and to send and receive correspondence and other papers and documents by couriers or in sealed bags.

5. Exemption (including exemption of the spouse of the representative) from the application of laws relating to immigration, the registration of aliens and the obligation to perform national service.

6. Exemption from currency or exchange restrictions to such extent as is accorded to a representative of a foreign government on a temporary mission on behalf of that government.

7. The like privileges and immunities, not being privileges and immunities of a kind referred to in any of the preceding paragraphs, as are accorded to an envoy, other than exemption from:

(a) Excise duties;

(b) Sales taxes; and

(c) Duties on the importation or exportation of goods not forming part of personal baggage.

PART II

Immunities of Former Representative accredited to, or attending Conference convened by, International Organization

Immunity from suit and from other legal process in respect of acts and things done in his capacity as such a representative.

Fourth Schedule

Section 6

PART I

Privileges and Immunities of Officer (other than High Officer) of International Organization

1. Immunity from suit and from other legal process in respect of acts and things done in his capacity as such an officer.
2. Exemption from taxation on salaries and emoluments received from the organization.
3. Exemption (including exemption of a spouse and any dependent relatives) from the application of laws relating to immigration and the registration of aliens.
4. Exemption from the obligation to perform national service.
5. Exemption from currency or exchange restrictions to such extent as is accorded to an official, of comparable rank, forming part of a diplomatic mission.
6. The like repatriation facilities (including repatriation facilities for a spouse and any dependent relatives) in time of international crisis as are accorded to an envoy.
7. The right to import furniture and effects free of duties when first taking up a post in Australia and to export furniture and effects free of duties when leaving Australia on the termination of his functions.

PART II

Immunities of Former Officer (other than High Officer) of International Organization

Immunity from suit and from other legal process in respect of acts and things done in his capacity as such an officer.

Fifth Schedule

Section 6

PART I

Privileges and Immunities of Person serving on Committee or participating in Work of, or performing Mission on behalf of, International Organization

1. Immunity from personal arrest or detention.
2. Immunity from suit and from other legal process in respect of acts and things done in serving on the committee, participating in the work or performing the mission.
3. Inviolability of papers and documents.
4. The right, for the purpose of communicating with the organization, to use codes and to send and receive correspondence and other papers and documents by couriers or in sealed bags.
5. Exemption from currency or exchange restrictions to such extent as is accorded to a representative of a foreign government on a temporary mission on behalf of that government.
6. The like privileges and immunities in respect of personal baggage as are accorded to an envoy.

PART II

Immunities of Person who has served on Committee or participated in Work of, or performed Mission on behalf of, International Organization

Immunity from suit and from other legal process in respect of acts and things done in serving on the committee, participating in the work or performing the mission.

2. India

NOTIFICATION EXTENDING TO THE INTERNATIONAL ATOMIC ENERGY AGENCY THE PROVISIONS OF THE SCHEDULE TO THE UNITED NATIONS (PRIVILEGES AND IMMUNITIES) ACT, 1947

No. 680-UNI/63.
Government of India
Ministry of External Affairs

New Delhi, 7 November 1963

NOTIFICATION

In pursuance of Section 3 of the United Nations (Privileges and Immunities) Act, 1947 (46 of 1947), the Central Government hereby declares that the provisions of the Schedule to the said Act shall apply *mutatis mutandis* to the International Atomic Energy Agency and to its representatives and officers subject to the following modifications, namely:

Modifications

In the Schedule to the said Act:

1. For the words "The United Nations" wherever they occur (except in the expression "United Nations *laissez-passer*" in Article VII), the words "The Agency" shall be substituted;

2. In Article I, Section 1 shall be re-numbered as Section 1A and before Section 1A as so re-numbered, the following Section shall be inserted namely:

Section 1. In this Schedule:

- (i) "The Agency" means the International Atomic Energy Agency;
- (ii) "Agreement" means the Agreement on the Privileges and Immunities of the International Atomic Energy Agency;¹
- (iii) "meetings convened by the Agency" means meetings:
 - (a) Of its General Conference and of its board of Governors;
 - (b) Of any international conference, symposium, seminar or panel convened by it; and
 - (c) Of any committees of any of these bodies;
- (iv) "officials of the Agency" means the Director-General and all members of the staff of the Agency except those who are locally recruited and assigned to hourly rates;
- (v) "property and assets" includes property and funds in the custody of the Agency or administered by the Agency in furtherance of its statutory functions;

3. In Article II:

(1) In Section 6, for the word "Member", the words "State party to the Agreement" shall be substituted;

(2) In Section 8, for the word "Members", the words "States parties to the Agreement" shall be substituted;

4. In Article III:

(1) In Section 9, for the word "Member" where it occurs for the first time, the words "State party to the Agreement" and where it occurs for the second time, the word "State" shall be substituted;

¹ United Nations, *Treaty Series*, vol. 374, p. 147.

(2) The following explanation shall be added at the end, namely:

“Explanation. Nothing in Section 9 or Section 10 shall be construed as precluding the adoption of appropriate security precautions to be determined by agreement between a State party to the Agreement and the Agency”;

5. In Article IV:

(1) In Section 11:

(a) For the words “Representatives of Members to the principal and subsidiary organs of the United Nations and to conferences convened by the United Nations”, the words “Representatives of Members at meetings convened by the Agency” shall be substituted;

(b) In clause (c), the word “and” shall be inserted at the end;

(c) In clause (f):

(i) For the words “accorded to diplomatic envoys”, the words “accorded to members of comparable rank of diplomatic missions” shall be substituted;

(ii) The words “and also” shall be omitted;

(d) Clause (g) shall be omitted;

(2) In Sections 12 and 13, for the words “representatives of Members to the principal and subsidiary organs of the United Nations and to conferences convened by the United Nations”, the words “representatives of Members of the Agency at meetings convened by the Agency” shall be substituted;

6. In Article V:

(1) For Section 17, the following Section shall be substituted, namely:

“Section 17. The Agency shall from time to time make known to the Governments of all States parties to the Agreement names of the officials to whom the provisions of this Article and Article VII shall apply”;

(2) Section 18 shall be re-numbered as sub-section (1) of that Section, and

(a) In sub-section (1) as so re-numbered:

(i) For clause (c), the following clause shall be substituted, namely:

“(c) be exempt from national service obligations:

“Provided that in relation to the States of which they are nationals, such exemption shall be confined to officials of the Agency whose names have, by reason of their duties, been placed upon a list compiled by the Director General of the Agency and approved by the State concerned.

“Should other officials of the Agency be called up for national service, the State concerned shall, at the request of the Agency, grant such temporary deferments in the call-up of such officials as may be necessary to avoid interruption in the continuation of essential work;”

(ii) In clause (f), for the words “as diplomatic envoys”, the words “as officials of comparable rank of diplomatic missions” shall be substituted;

(b) After sub-section (1) as re-numbered, the following sub-section shall be inserted, namely:

“(2) Officials of the Agency shall, while exercising the functions of an inspector under Article XII of the Statute of the Agency or those of a project examiner under Article XI thereof, and while travelling in their official capacity en route to and from the performance of these functions, enjoy all the additional privileges and immunities set forth in Article VI of this Schedule so far as is necessary for the effective exercise of such functions”;

(3) In Section 19, for the words “the Secretary-General and all Assistant Secretaries-General”, the words “the Director-General of the Agency including any official acting on his behalf during his absence from duty and every Deputy Director-General or official of equal rank of the Agency” shall be substituted;

(4) In Section 20:

(a) For the words “The Secretary-General” where they occur for the first time, the words “The Agency” shall be substituted.

(b) For the words “in his opinion”, the words “in its opinion” shall be substituted;

(c) The last sentence commencing with the words “In the case of” and ending with the words “waive immunity” shall be omitted;

7. In Article VI:

(1) In Section 22, in clause (f), for the words “accorded to diplomatic envoys”, the words “accorded to members of comparable rank of diplomatic missions” shall be substituted;

(2) After Section 22, the following Section shall be inserted, namely:

“22 A. Nothing in clauses (c) and (d) of Section 22 shall be construed to preclude the adoption of appropriate security precautions to be determined by Agreement between a State party to the Agreement and the Agency”;

(3) In Section 23, for the words “The Secretary-General”, the words “The Agency” and for the words “in his opinion”, the words “in its opinion” shall be substituted;

8. After VI, the following Article shall be inserted, namely:

“Article VI A

“ABUSES OF PRIVILEGE

“Section 23A. If any State party to the Agreement considers that there has been an abuse of a privilege or immunity conferred by the Agreement, consultations shall be held between the State and the Agency to determine whether any such abuse has occurred and, if so, to attempt to ensure that no repetition occurs. If such consultations fail to achieve a result satisfactory to the State and the Agency, the question whether an abuse of a privilege or immunity has occurred shall be settled by a procedure in accordance with Section 30. If it is found that such an abuse has occurred, the State party to the Agreement affected by such abuse has the right, after notification to the Agency, to withhold from the Agency the benefits of the privilege or immunity so abused. However, the withholding of privileges or immunities must not interfere with the Agency’s principal activities or prevent the Agency from performing its principal functions.

“Section 23B. Representatives of Members at meetings convened by the Agency, while exercising their functions and during their journeys to and from the place of meeting, and officials of the Agency shall not be required by the territorial authorities to leave the country in which they are performing their functions on account of any activities by them in their official capacity. In the case, however, of abuse of privileges of residence committed by any such person in activities in that country outside his official functions, he may be required to leave by the Government of that country, provided that:

“(a) Representatives of Members, or persons who are entitled to the immunities provided in Section 19, shall not be required to leave the country otherwise than in accordance with the diplomatic procedure applicable to diplomatic envoys accredited to that country;

“(b) In the case of an official to whom Section 19 is not applicable, no order to leave the country shall be issued by the territorial authorities other than with the approval of the Foreign Minister of the country in question, and such approval shall be given only after consultation with the Director-General of the Agency; and, if expulsion proceedings are taken against an official, the Director-General of the Agency shall have the right to appear in such proceedings on behalf of the person against whom they are instituted”;

9. In Article VII:

(1) For Section 24, the following Section shall be substituted, namely:

“*Section 24.* (1) Officials of the Agency shall be entitled to use the United Nations *laissez-passer* in conformity with administrative arrangements concluded between the Director-General of the Agency and the Secretary-General of the United Nations. The Director-General of the Agency shall notify each State party to the Agreement of the administrative arrangements so concluded.

“(2) States parties to the Agreement shall recognise and accept the United Nations *laissez-passer* issued to officials of the Agency as valid travel documents”;

(2) In section 27, for the words “The Secretary-General, Assistant Secretaries-General and Directors”, the words “The Director-General, the Deputy Directors-General and other officials of a rank not lower than head of a division of the Agency” and for the words “accorded to diplomatic envoys”, the words “accorded to officials of comparable rank of diplomatic missions” shall be substituted;

(3) Section 28 shall be omitted;

10. In Article VIII, in Section 29, in clause (b), for the words “by the Secretary-General”, the words “in accordance with Section 20 or Section 23” shall be substituted.

R. S. D. CHAWLA

Attaché to the Government of India

3. Sweden

ACT OF 28 JUNE 1962 CONCERNING SPECIAL PRIVILEGES FOR CERTAIN INTERNATIONAL ORGANISATIONS, ETC., AS AMENDED IN 1963¹

Article 1

Notwithstanding what may be otherwise stipulated by law or by special ordinances, the following international organisations shall enjoy immunity and privileges in accordance with the stipulations of any constitution or any agreement to which Sweden has adhered:

- (1) The United Nations;
- (2) The specialized agencies of the United Nations;
- (3) The Council of Europe;
- (4) The Customs Co-operation Council;

¹ Unofficial translation kindly furnished by the Ministry of Foreign Affairs of Sweden.

- (5) The International Atomic Energy Agency;
- (6) The European Free Trade Association;
- (7) The Organisation for Economic Co-operation and Development;
- (8) The European Space Research Organisation.

The stipulations of the first paragraph shall also apply to the International Court of Justice and to the European Court of Human Rights.

Article 2

The following persons are likewise entitled to the privileges as set forth in article 1:

- (1) The representatives of the Members of the organisations enumerated in the first paragraph of article 1 as well as persons in the service of or persons carrying out missions for these organisations;
- (2) The Judges of the International Court of Justice and its personnel as well as those who otherwise participate in the proceedings of the Court;
- (3) The Members of the European Commission of Human Rights;
- (4) The Judges of the European Court of Human Rights as well as the Secretary-General and the Assistant Secretary-General of the Court.
- (5) The Judges of the Tribunal established by the Convention on the Establishment of a Security Control in the Field of Nuclear Energy as well as those who otherwise participate in proceedings of the Court.

Article 3

Having concluded an agreement with such an organisation as referred to in the first paragraph of Article 1, the King-in-Council may in specific cases accord immunity and privileges also to other persons than those referred to in the first paragraph of Article 2 to an extent that is required to satisfy the purposes of the organisation.

Article 4

The King-in-Council may issue further regulations for the application of this Act.

4. Uganda

(a) THE IMMUNITIES AND PRIVILEGES (IMMUNITY FROM LEGAL PROCESS OF OFFICERS AND SERVANTS OF INTERNATIONAL ORGANIZATIONS) ORDER, 1963¹

(UNDER SECTIONS 6 (2) (b) AND 6 (2) (c) OF THE IMMUNITIES AND PRIVILEGES (EXTENSION AND MISCELLANEOUS PROVISIONS) ORDINANCE, ² 1962)

1. This Order may be cited as the Immunities and Privileges (Immunity from Legal Process of Officers and Servants of International Organisations) Order, 1963.

2. Any person who holds an office listed in the First Schedule to this Order shall have the like immunity from suit or legal process as is accorded to an envoy of a foreign sovereign

¹ Legal notice No 161 of 1963 (Supplement to *Uganda Gazette*, 21 June 1963, p. 332).

² No. 53.

power accredited to Uganda except in so far as such immunity is expressly waived in any particular case by the organisation in which he holds such office or by the head of such organisation, or in the case of the Secretary-General of the United Nations, by the Security Council of the United Nations.

3. All officers and servants of each international organisation listed in the Second Schedule to this Order who do not hold an office listed in the First Schedule to this Order shall have immunity from suit and legal process in respect of things done or omitted to be done in the course of the performance of official duties except in so far as such immunity is expressly waived in any particular case by the organisation or head of the organisation of which any such officer or servant is an officer or servant.

4. In addition to the immunity granted by paragraph 3 of this Order, any person who holds an office specified in the Third Schedule to this Order shall have the like immunity from suit or legal process as is accorded to an envoy of a foreign sovereign power accredited to Uganda except in so far as the Minister expressly withdraws such immunity in any particular case.

5. All persons employed on missions on behalf of the United Nations, other than persons employed as experts for the purposes of rendering technical assistance, and other than military personnel, shall have the like immunity from suit or legal process as is accorded to the envoy of a foreign sovereign power accredited to Uganda except in so far as such immunity is expressly waived in any particular case by the Secretary-General of the United Nations.

6. All experts employed on missions on behalf of any organisation listed in the Second Schedule to this Order, other than those covered by paragraphs 2, 3 or 4 of this Order, shall have immunity from suit and legal process in respect of things done or omitted to be done in the course of the performance of official duties except in so far as any such immunity is expressly waived by the organisation or by the head of the organisation by which such experts are employed.

7. Notwithstanding anything to the contrary, contained in this Order, no immunity is conferred by this Order upon any person who is a Uganda citizen or who is entitled to register as a Uganda citizen.

First Schedule

(Paragraph 2)

1. The Secretary-General of the United Nations.
2. All Personal Representatives of the Secretary-General of the United Nations.
3. All Under Secretaries-General of the United Nations.
4. All Assistant Secretaries-General of the United Nations.
5. Director-General, Deputy Director-General and Assistant Director-General of the International Labour Office.
6. Director-General and Deputy Director-General of the United Nations Educational, Scientific and Cultural Organisation.
7. Director-General and Deputy Director-General of the World Health Organisation.
8. Secretary-General of the World Meteorological Organisation.
9. Secretary-General of the International Telecommunications Union.
10. Director of the Special Fund of the United Nations.

Second Schedule

(Paragraphs 3 and 6)

1. United Nations.
2. United Nations Educational, Scientific and Cultural Organisation.
3. World Health Organisation.
4. International Labour Organisation.
5. International Telecommunications Union.
6. World Meteorological Organisation.

Third Schedule

(Paragraph 4)

1. Regional Representative of any organisation listed in the Second Schedule to this Order.
2. Chief Representative in Uganda, however styled, of any organisation listed in the Second Schedule to this Order.
3. Director of United Nations Special Fund Programmes in Eastern Africa.
4. Regional Representative of the United Nations Technical Assistance Board.
5. Representative of the United Nations Technical Assistance Board in Uganda.
6. Deputy Director of United Nations Special Fund Programmes for Eastern Africa.
7. Deputy Regional Representative of the United Nations Technical Assistance Board for Eastern Africa.
8. Representative for Eastern Africa of the United Nations Children's Fund.

G. B. K. MAGEZI
Minister of State

Entebbe,
17 June 1963

(b) THE IMMUNITIES AND PRIVILEGES (EXTENSION TO INTERNATIONAL ORGANIZATIONS) ORDER, 1963³

(UNDER SECTION 6 (2) (a) OF THE IMMUNITIES AND PRIVILEGES (EXTENSION AND MISCELLANEOUS PROVISIONS) ORDINANCE, ⁴ 1962)

1. This Order may be cited as the Immunities and Privileges (Extension to International Organisations) Order, 1963.

2. Each organisation listed in the Schedule to this Order shall have the legal capacities of a body corporate and, except in so far as in any particular case it has expressly waived its immunity, immunity from suit and legal process. No waiver of immunity shall be deemed to extend to any measure of execution.

3. Each organisation listed in the Schedule to this Order shall have the like inviolability of official archives and premises occupied as offices as is accorded in respect of the official archives and premises of an envoy of a foreign sovereign power accredited to Uganda.

4. Each organisation listed in the Schedule to this Order shall have the like exemption or relief from taxes, duties, rates and fees, other than duties on the importation of goods, as is accorded to a foreign sovereign power.

³ Legal notice No. 162 of 1963 (Supplement to *Uganda Gazette*, 21 June 1963, p. 335).

⁴ No. 53.

5. Each organisation listed in the Schedule to this Order shall have exemptions from duties on the importation of goods imported or purchased prior to clearance through customs by the organisation for its official use in Uganda or for exportation by it, such exemptions to be subject to compliance with such conditions as the Commissioner of Customs and Excise may prescribe for the protection of the revenue.

6. Each organisation listed in the Schedule to this Order shall have exemptions from prohibitions and restrictions on importation or exportation in the case of goods imported or purchased prior to clearance through the customs or exported by the organisation for its official use and in the case of any publications of the organisation directly imported or exported by it.

7. Each organisation listed in the Schedule to this Order shall have the right to avail itself for telegraphic communications sent by it and containing only matter intended for publication by the Press or for broadcasting (including communications addressed to or dispatched from places outside Uganda), of any reduced rates applicable for the corresponding service in the case of Press telegrams.

Schedule

1. United Nations.
2. United Nations Educational, Scientific and Cultural Organisation.
3. World Health Organisation.
4. International Labour Organisation.
5. International Telecommunications Union.
6. World Meteorological Organisation.

G. B. K. MAGEZI
Minister of State

Entebbe,
17 June 1963

(c) THE IMMUNITIES AND PRIVILEGES (APPLICATION TO SPECIFIED INTERNATIONAL ORGANIZATIONS) DECLARATION, 1963⁵

(UNDER SECTION 6 (1) OF THE IMMUNITIES AND PRIVILEGES (EXTENSION AND MISCELLANEOUS PROVISIONS) ORDINANCE,⁶ 1962

1. This Declaration may be cited as the Immunities and Privileges (Application to Specified International Organisations) Declaration, 1963.

2. Each of the organisations set forth in the Schedule to this Declaration is hereby declared to be an organisation of which the Government of Uganda and the government or governments of one or more foreign sovereign powers are members and are therefore organisations to which section 6 of the Ordinance applies.

3. For the purposes of the application of section 6 of the Ordinance the organisation entitled "United Nations" shall include all of its organs, commissions, boards and other

⁵ Legal notice No. 164 of 1963 (Supplement to *Uganda Gazette*, 21 June 1963, p. 337).

⁶ No. 53.

constituent parts however styled including but not limited to the United Nations Economic and Social Council, the United Nations Special Fund, the United Nations Technical Assistance Board, the United Nations Children's Fund and the United Nations Economic Commission for Africa.

Schedule

1. United Nations.
2. United Nations Educational, Scientific and Cultural Organisation.
3. World Health Organisation.
4. International Labour Organisation.
5. International Telecommunications Union.
6. World Meteorological Organisation.

G. B. K. MAGEZI
Minister of State

Entebbe,
17 June 1963.

(d) THE IMMUNITIES AND PRIVILEGES (IMMUNITY FROM INCOME TAX OF OFFICERS AND SERVANTS OF INTERNATIONAL ORGANISATIONS) ORDER, 1963⁷

(UNDER SECTIONS 6 (2) (b) AND 6 (2) (c) OF THE IMMUNITIES AND PRIVILEGES (EXTENSION AND MISCELLANEOUS PROVISIONS) ORDINANCE,⁸ 1962)

1. This Order may be cited as the Immunities and Privileges (Immunity from Income Tax of Officers and Servants of International Organisations) Order, 1963.

2. In this Order, unless the context otherwise requires:

“locally recruited person” means a person who was residing, temporarily or permanently, in Uganda, Kenya, Tanganyika or Zanzibar at the time he was engaged for his present employment and was not at that time entitled to immunity from income tax on emoluments paid to him by an international organisation in the country in which he was residing when so engaged, or who, being hired when he was not residing in Uganda, Kenya, Tanganyika or Zanzibar, came to Uganda and remains in Uganda primarily for a purpose other than that of working for the international organisation by which he is employed.

3. All officers and servants of each international organisation listed in the Schedule to this Order shall be exempt from the payment of income tax on the salary and emoluments paid to them by the international organisation by which they are employed except in so far as this exemption has been waived by such organisation or by the head of such organisation:

Provided that no person who is a citizen of Uganda, is entitled to register as a citizen of Uganda or is a locally recruited person shall be exempt from the payment of any income tax by virtue of this Order.

⁷ Legal notice No. 179 of 1963 (Supplement to *Uganda Gazette*, 5 July 1963, p. 383).

⁸ No. 53.

Schedule

1. United Nations.
2. United Nations Educational, Scientific and Cultural Organisation.
3. World Health Organisation.
4. International Labour Organisation.
5. International Telecommunications Union.
6. World Meteorological Organisation.

A. Milton OBOTE
Prime Minister

Entebbe,
27 June 1963.

Chapter II

TREATY PROVISIONS CONCERNING THE LEGAL STATUS OF THE UNITED NATIONS AND RELATED INTER-GOVERNMENTAL ORGANIZATIONS

A. Treaty provisions concerning the Legal Status of the United Nations

1. CONVENTION ON THE PRIVILEGES AND IMMUNITIES OF THE UNITED NATIONS.¹ ADOPTED BY THE GENERAL ASSEMBLY OF THE UNITED NATIONS ON 13 FEBRUARY 1946

The following States acceded to the Convention on the Privileges and Immunities of the United Nations in 1963:²

<i>State</i>	<i>Date of receipt of instrument of accession³</i>
Algeria ⁴	31 October 1963
Cambodia	6 November 1963
Cyprus	5 November 1963 ^d
Jamaica	9 September 1963
Japan	18 April 1963
Kuwait	13 December 1963
Peru	24 July 1963
Senegal	27 May 1963 ^d
Somalia	9 July 1963
Yemen	23 July 1963

This brought up to 86 the number of States parties to the Convention.

¹ United Nations, *Treaty Series*, vol. 1, p. 15.

² The Convention is in force with regard to each State which deposited an instrument of accession with the Secretary-General of the United Nations as from the date of its deposit.

³ The symbol "d" immediately following the date appearing opposite the name of a State denotes a declaration by that State recognizing itself bound, as from the date of its independence, by the Convention, the application of which had been extended to its territory by a State then responsible for the conduct of its foreign relations. The date shown is the date of receipt by the Secretary-General of the notification to that effect.

⁴ With the following reservation:

The Democratic and Popular Republic of Algeria does not consider itself bound by section 30 of the said Convention which provides for the compulsory jurisdiction of the International Court of Justice in the case of differences arising out of the interpretation or application of the Convention. It declares that, for the submission of a particular dispute to the International Court of Justice for settlement, the consent of all parties to the dispute is necessary in each case.

This reservation also applies to the provision of the same section that the advisory opinion given by the International Court of Justice shall be accepted as decisive.

2. AGREEMENTS RELATING TO CONFERENCES, SEMINARS AND SIMILAR BODIES

- (a) Agreement between the United Nations and the Government of Austria regarding the arrangements for the Vienna Conference on Consular Relations.¹ Signed at Vienna, on 29 January 1963

IV. *Local personnel for the Conference*

...

(2) The Government agrees to indemnify and save harmless the United Nations from any and all actions, causes of actions, claims or other demands arising out of the employment for the United Nations of the personnel referred to in this Section.

VI. *Privileges and immunities*

(1) The Convention on the Privileges and Immunities of the United Nations, to which the Republic of Austria is a party, shall be applicable with respect to the Conference.

(2) The Government will accord representatives attending the Conference and those officials of the United Nations connected with the Conference the same privileges and immunities as accorded to representatives to, and officials of comparable rank of, the International Atomic Energy Agency, under the Headquarters Agreement between the Republic of Austria and the IAEA.

(3) Representatives of States non-members of the United Nations attending the Conference shall enjoy the same privileges and immunities as accorded representatives of States Members of the Organization.

(4) Observers of the specialized agencies and other inter-governmental organizations invited to the Conference shall enjoy the same privileges and immunities as accorded to officials of comparable rank of the United Nations.

(5) The area designated under Section 1 shall be deemed to constitute United Nations premises, and access to the conference area and to office space therein shall be under the control and authority of the United Nations.

(6) The Austrian authorities shall impose no impediment to transit to and from the Conference of the following categories of persons attending the Conference: representatives of Governments and their immediate families; observers of specialized agencies and inter-governmental organizations and their immediate families; officials and experts of the United Nations and their immediate families; observers of non-governmental organizations having consultative status with the Economic and Social Council of the United Nations; representatives of the press or of radio, television, film or other information agencies accredited by the United Nations at its discretion after consultation with the Government; and other persons invited to the Conference by the United Nations on official business. Any visa required for such persons shall be granted promptly and without charge.

- (b) Agreement between the United Nations and the Government of Italy regarding the arrangements for the United Nations Conference on International Travel and Tourism.² Signed at Geneva, on 26 July 1963

¹ Came into force on 29 January 1963.

² Came into force on 26 July 1963.

IV. *Local personnel for the Conference*

...

3. [Similar to article IV (2) in (a) above]

VI. *Privileges and immunities*

1. The Convention on the Privileges and Immunities of the United Nations, to which the Republic of Italy is a party, shall be applicable with respect to the Conference and, in particular, officials of the United Nations connected with the Conference shall be accorded the privileges and immunities specified therein.

2. Representatives of States non-members of the United Nations attending the Conference shall enjoy the same privileges and immunities as accorded representatives of States Members of the Organization by the Convention on the Privileges and Immunities of the United Nations.

3. Representatives of the specialized agencies and other inter-governmental organizations invited to the Conference shall enjoy the same privileges and immunities as accorded to officials of comparable rank of the United Nations.

4. For the purpose of this Conference, the area designated under Article I, section 1, shall be deemed to constitute United Nations premises, within the meaning of the provisions of Article II, section 2, of the Convention on the Privileges and Immunities of the United Nations, of 13 February 1946, so that the United Nations shall enjoy the privileges and immunities provided thereby. Access to the Conference area and to the office space therein shall be under control and authority of the United Nations.

5. The Government shall in particular impose no impediment to transit to and from the Conference of any persons whose presence at the Conference is authorized by the United Nations and of any persons of their immediate families, and shall grant any visa required for such persons promptly and without charge.

VII. *Import duties and taxes*

1. The Government shall allow the temporary importation duty-free of all equipment and shall waive import duties and taxes with respect to supplies necessary for the Conference. It shall issue without delay to the United Nations any necessary import and export permits.

2. The Government shall issue to the United Nations an import permit for the limited supplies needed by the United Nations for the official requirements and entertainment schedule of the Conference, to be designated in a separate letter agreement between the United Nations and the Government, to be negotiated with the liaison officer appointed by the Government. United Nations officials coming from abroad and travelling by car with non-Italian registration plates shall enjoy while in Italy the same car-fuel privileges as are granted to the international staff of the Food and Agriculture Organization.

(c) Agreement between the United Nations and the Government of the Congo (Leopoldville) concerning the holding of the fifth session of the Economic Commission for Africa and accompanying meetings.³ Signed at Leopoldville, on 26 December 1962, and at New York, on 11 January 1963

V. *Local personnel for the session*

...

- (3) [Similar to article IV (2) in (a) above]

³ Came into force on 11 January 1963.

VI. *Privileges and immunities*

(1) The Convention on the Privileges and Immunities of the United Nations shall be applicable with respect to the Session. Accordingly, United Nations officials performing functions in connexion with the Session shall enjoy the privileges and immunities provided for in articles V and VII of the said Convention.

(2) Officials of the specialized agencies performing functions in connexion with the Session shall enjoy the privileges and immunities provided for in the Convention on the Privileges and Immunities of the Specialized Agencies.

(3) Without prejudice to the provisions of the preceding paragraphs, all participants and other persons performing functions in connexion with the Session shall enjoy such privileges and immunities, facilities and favourable treatment as are essential to the free exercise of those functions.

(4) All participants and other persons performing functions in connexion with the Session who are not nationals of the Republic of the Congo (Leopoldville) shall be permitted to enter and leave the Republic. They shall receive facilities enabling them to expedite their travel. Any visas required for such persons shall be granted without charge.

(5) The area designated under section I shall be deemed to constitute United Nations premises, and access to the Session area and to office space therein shall be under the control and authority of the United Nations.

(d) Agreement between the United Nations and the Government of Australia relating to a seminar on the role of the police in the protection of human rights.⁴ Signed at Canberra, on 13 May 1963

Article IV

1. The Convention on the Privileges and Immunities of the United Nations shall be applicable in respect of the seminar. Accordingly, officials of the United Nations performing functions in connexion with the seminar shall enjoy the privileges and immunities provided under Articles V and VII of the said Convention.

2. Officials of the specialized agencies invited by the seminar shall enjoy the privileges and immunities provided under the Convention on the Privileges and Immunities of the Specialized Agencies.

3. Without prejudice to the provisions of the Convention on the Privileges and Immunities of the United Nations, all participants and all persons performing functions in connexion with the seminar shall enjoy such privileges and immunities, facilities and courtesies as are necessary for the independent exercise of their functions in connexion with the seminar and as are consistent with the laws of Australia.

4. All participants and all persons performing functions in connexion with the seminar, who are not nationals of Australia, shall have the right of entry into and exit from Australia. They shall be granted facilities for speedy travel. Visas, where required, shall be granted free of charge.

(e) Agreement between the United Nations and the Government of Poland relating to the seminar on the rights of the child.⁵ Signed at New York, on 16 July 1963

⁴ Came into force on 13 May 1963.

⁵ Came into force on 16 July 1963.

Article V

Facilities, privileges and immunities

1. [Similar to article IV (1) in (d) above]
 2. Officials of the specialized agencies attending the seminar in pursuance of paragraph 1 (c) of Article II of this agreement shall be accorded the privileges and immunities provided under Articles VI and VIII of the Convention on the Privileges and Immunities of the specialised agencies.
 3. [Similar to article IV (3) in (d) above, with the omission of the final phrase “and as are consistent with the laws of . . .”]
 4. [Similar to article IV (4) in (d) above]
- (f) Agreement between the United Nations and the Government of Colombia relating to the seminar on the status of women in family law.⁶ Signed at Bogotá and New York, on 27 August 1963

Article IV

Facilities, privileges and immunities

1. [Similar to article IV (1) in (d) above]
 2. [Similar to article IV (2) in (d) above]
 3. [Similar to article V (3) in (e) above]
 4. [Similar to article IV (4) in (d) above]
- (g) Agreement between the United Nations and the Government of India concerning the Demographic Training and Research Centre, Chembur.⁷ Signed at New Delhi, on 20 and 27 December 1962

Article IV

Obligations on the part of the Government of India

- ...
4. The Government shall be responsible for dealing with any claims which may be brought by third parties against the United Nations or its personnel, and shall hold the United Nations and its personnel harmless in case of any claims or liabilities resulting from operations under this Agreement, except where it is agreed by the parties that such claims or liabilities arise from the gross negligence or wilful misconduct of such persons.

- (h) Agreement between the United Nations and the Government of the United Arab Republic relating to the Establishment of a Regional Centre for Demographic Research and Training in Africa.⁸ Signed at New York, on 8 February 1963

⁶ Came into force on 27 August 1963.

⁷ Came into force on 1 January 1963.

⁸ Came into force provisionally on 8 February 1963 and definitively on 30 June 1963.

Article VI

Co-operation of the Government

...

2. The Government shall be responsible for dealing with any claims which may be brought by third parties residing within its territory against the United Nations or its personnel, and shall hold the United Nations and its personnel harmless in case of any such claims or liabilities resulting from operations under this Agreement, except where it is agreed by the Parties that such claims or liabilities arise from gross negligence or the wilful misconduct of such personnel.

Article VII

Facilities, Privileges and Immunities

1. Officials of the United Nations performing functions in connexion with the Centre shall enjoy the privileges and immunities provided under Articles V and VII of the Convention on the Privileges and Immunities of the United Nations, and the members of the Governing Body and of the Advisory Committee designated by the Executive Secretary of the Economic Commission for Africa who are not otherwise officials of the Organization shall enjoy the privileges and immunities under Article VI of the Convention.

2. Without prejudice to the foregoing provision, the Government undertakes to accord all members of the Governing Body and of the Advisory Committee such facilities and courtesies as are necessary for the exercise of their functions in connexion with the Centre.

3. All holders of United Nations fellowships at the Centre who are not nationals of the United Arab Republic shall have right of entry into and exit from the United Arab Republic, and of sojourn there for the period necessary for their training. They shall be granted facilities for speedy travel; visas, where required, shall be granted promptly and free of charge.

3. AGREEMENTS RELATING TO THE UNITED NATIONS CHILDREN'S FUND:
REVISED MODEL AGREEMENT CONCERNING THE ACTIVITIES OF UNICEF¹

Article VI

Claims against UNICEF

1. The Government shall assume, subject to the provisions of this Article, responsibility in respect of claims resulting from the execution of Plans of Operations within the territory of

2. The Government shall accordingly defend, indemnify and hold harmless UNICEF and its employees or agents against all liabilities, suits, actions, demands, damages, costs or fees on account of death or injury to persons or property resulting from anything done or omitted to be done in the execution within the territory concerned of Plans of Operations made pursuant to this Agreement, not amounting to a reckless misconduct of such employees or agents.

3. In the event of the Government making any payment in accordance with the provisions of paragraph 2 of this Article, the Government shall be entitled to exercise and enjoy the benefit of all rights and claims of UNICEF against third persons.

¹ UNICEF *Field Manual*, Vol. II, Part IV-2, Appendix A (16 August 1961).

4. This Article shall not apply with respect to any claim against UNICEF for injuries incurred by a staff member of UNICEF.

5. UNICEF shall place at the disposal of the Government any information or other assistance required for the handling of any case to which paragraph 2 of this Article relates or for the fulfilment of the purposes of paragraph 3.

Article VII

Privileges and Immunities

The Government shall apply to UNICEF, as an organ of the United Nations, to its property, funds and assets, and to its officials, the provisions of the Convention on the Privileges and Immunities of the United Nations (to which is a party). No taxes, fees, tolls or duties shall be levied on supplies and equipment furnished by UNICEF so long as they are used in accordance with the Plans of Operations.

Agreements between UNICEF and the Governments of Tanganyika, Mauritania, Ethiopia, Trinidad and Tobago, Iran and Iraq concerning the activities of UNICEF in these countries.² Signed respectively at Kampala on 27 July 1962 and Dar es Salaam on 25 January 1963, at New York on 4 December 1961 and Nouakchott on 19 January 1962, at Addis Ababa on 1 April 1963, at Port-of-Spain on 8 August 1963, at Tehran on 21 November 1963, and at Baghdad on 3 December 1963.

These agreements contain articles similar to articles VI and VII of the revised model agreement.

² Came into force, respectively, on 25 January 1963, 31 January 1963, 1 April 1963, 8 August 1963, 21 November 1963 and 3 December 1963.

4. AGREEMENTS RELATING TO TECHNICAL ASSISTANCE: MODEL REVISED STANDARD AGREEMENT CONCERNING TECHNICAL ASSISTANCE¹

Article I

Furnishing of Technical Assistance

...

6. The Government shall be responsible for dealing with any claims which may be brought by third parties against the Organizations and their experts, agents or employees and shall hold harmless such Organizations and their experts, agents and employees in case of any claims or liabilities resulting from operations under this Agreement, except where it is agreed by the Government, the Executive Chairman of the Technical Assistance Board and the Organizations concerned that such claims or liabilities arise from the gross negligence or wilful misconduct of such experts, agents or employees.

Article V

Facilities, privileges and immunities

1. The Government, in so far as it is not already bound to do so, shall apply to the Organizations, their property, funds and assets, and to their officials, including technical assistance experts,

¹ Technical Assistance Board/Special Fund, *Field Manual*, section D1/1a(i) (February 1963).

- (a) in respect of the United Nations, the Convention on the Privileges and Immunities of the United Nations;
- (b) in respect of the specialized agencies, the Convention on the Privileges and Immunities of the Specialized Agencies; and
- (c) in respect of the International Atomic Energy Agency, the Agreement on the Privileges and Immunities of the International Atomic Energy Agency.

2. The Government shall take all practical measures to facilitate the activities of the Organizations under this Agreement and to assist experts and other officials of the Organizations in obtaining such services and facilities as may be required to carry on these activities. When carrying out their responsibilities under this Agreement, the Organizations, their experts and other officials shall have the benefit of the most favourable legal rate of conversion of currency.

- (a) Standard Agreements between the United Nations, the International Labour Organisation, the Food and Agriculture Organization of the United Nations, the United Nations Educational, Scientific and Cultural Organization, the International Civil Aviation Organization, the World Health Organization, the International Telecommunication Union, the World Meteorological Organization, the International Atomic Energy Agency and the Universal Postal Union, and the Governments of Rwanda, Burundi, Nepal, Tanganyika, the Syrian Arab Republic, Cyprus, the Upper Volta, Trinidad and Tobago, Mali, Jamaica, Uganda, the United Arab Republic, the Central African Republic and the Congo (Brazzaville) concerning technical assistance.² Signed respectively at Kigali on 23 January 1963, at Usumbura on 5 February 1963, at Kathmandu on 14 February 1963, at Dar es Salaam on 6 March 1963, at Damascus on 12 December 1962, at Nicosia on 18 April 1963, at Ouagadougou on 18 April 1963, at Port-of-Spain on 6 May 1963, at New York on 9 May 1963, at Kingston on 22 May 1963, at New York on 24 May 1963, at Cairo on 10 September 1963, at Bangui on 30 October 1963 and at Brazzaville on 7 November 1963

These agreements contain articles similar to articles I (6) and V of the model revised standard agreement.

- (b) Basic Agreement between the United Nations, the International Labour Organisation, the Food and Agriculture Organization of the United Nations, the United Nations Educational, Scientific and Cultural Organization, the International Civil Aviation Organization, the World Health Organization, the International Telecommunication Union, the World Meteorological Organization, the International Atomic Energy Agency and the Universal Postal Union, and the Government of Mongolia, concerning technical assistance.³ Signed at Ulan Bator, on 24 May 1963,

² Came into force, respectively, on 23 January 1963, 5 February 1963, 14 February 1963, 6 March 1963, 16 March 1963, 18 April 1963, 18 April 1963, 6 May 1963, 9 May 1963, 22 May 1963, 24 May 1963, 10 September 1963, 30 October 1963 and 7 November 1963.

³ Came into force on 24 May 1963.

This agreement contains articles similar to articles I (6) and V of the model revised standard agreement, except that article V (1) begins as follows: "The Government, in so far as it is not already bound to do so, shall agree, as courtesy, to apply to the Organizations, . . ."

- (c) Standard Agreement between the United Nations, the International Labour Organisation, the Food and Agriculture Organization of the United Nations, the United Nations Educational, Scientific and Cultural Organization, the International Civil Aviation Organization, the World Health Organization, the International Telecommunication Union, the World Meteorological Organization, the International Atomic Energy Agency and the Universal Postal Union, and the Government of Mexico, concerning technical assistance.⁴ Signed at Mexico City, on 23 July 1963

This agreement contains articles similar to articles I (6) and V of the model revised standard agreement, except that article V (1) is worded as follows:

1. The Government, in so far as it is not already bound to do so, shall apply to the Organizations, their property, funds and assets, and to their officials, including technical assistance experts,

- (a) in respect of the United Nations, the Convention on the Privileges and Immunities of the United Nations as approved by the Mexican Senate and in accordance with the Presidential Decree of 13 February 1962;
- (b) in respect of the Specialized Agencies, and the International Atomic Energy Agency, pending the accession to the pertinent convention and agreement on Privileges and Immunities, the corresponding Articles of the Convention on the Privileges and Immunities of the United Nations as approved by the Mexican Senate and in accordance with the Presidential Decree of 13 February 1962.

- (d) Revised Standard Agreements between the United Nations, the International Labour Organisation, the Food and Agriculture Organization of the United Nations, the United Nations Educational, Scientific and Cultural Organization, the International Civil Aviation Organization, the World Health Organization, the International Telecommunication Union, the World Meteorological Organization, the International Atomic Energy Agency and the Universal Postal Union, and the Governments of El Salvador and Honduras, concerning technical assistance.⁵ Signed respectively at San Salvador on 31 July 1963 and at Tegucigalpa on 8 November 1963

These agreements contain articles similar to articles I (6) and V of the model revised standard agreement, except that the second sentence of article V (2) has been replaced by the following:

When carrying out their responsibilities under this Agreement, the Organizations, their experts and other officials shall benefit, in particular, of the following rights and facilities:

⁴ Came into force on 23 July 1963.

⁵ Came into force on the respective dates of signature.

- (a) the prompt issuance without cost of necessary visas, licenses or permits;
- (b) access to the site of work and all necessary rights of way;
- (c) free movement, whether within or to or from the country, to the extent necessary for proper execution of the project;
- (d) the most favourable legal rate of exchange;
- (e) any permits necessary for the importation of equipment, materials and supplies in connection with this Agreement and for their subsequent exportation; and
- (f) any permits necessary for importation of property belonging to and intended for the personal use or consumption of officials of the Organizations.

- (e) Exchanges of letters constituting agreements⁶ amending, respectively, the Standard Agreements of 31 May – 26 July 1956, 19 June 1958, 1 March 1957, 31 August 1956 and 27 April 1957 between the United Nations, the International Labour Organisation, the Food and Agriculture Organization of the United Nations, the United Nations Educational, Scientific and Cultural Organization, the International Civil Aviation Organization, the World Health Organization, the International Telecommunication Union and the World Meteorological Organization, and the Governments of Yemen, the Republic of Korea, Bolivia, India and Panama, concerning technical assistance. New York, 4 April 1963 and Sana'a, 14 April 1963 ; New York, 4 April 1963 and Seoul, 18 May 1963 ; La Paz, 24 September 1963 ; New York, 19 June 1963, and New Delhi, 3 July and 3 October 1963 ; New York, 31 July 1963 and Panama, 18 October 1963

By the exchanges of letters listed above articles I (6) and V of the Standard Agreements have been brought into line with articles I (6) and V of the model revised standard agreement.

- (f) Exchange of notes constituting an agreement⁷ amending the Basic Agreement of 12 June 1956 between the United Nations, the International Labour Organisation, the Food and Agriculture Organization of the United Nations, the United Nations Educational, Scientific and Cultural Organization, the International Civil Aviation Organization, the World Health Organization, the International Telecommunication Union and the World Meteorological Organization, and the Government of Argentina, concerning technical assistance. New York, 18 October 1963 and Buenos Aires, 31 December 1963

By this exchange of notes, article I (6) of the Basic Agreement has been brought into line with article I (6) of the model revised standard agreement and a reference to the Agreement on the Privileges and Immunities of the International Atomic Energy Agency has been added to article V, the original text of which read as follows:

1. Until such time as the Government of the Argentine Republic has ratified the Convention on the Privileges and Immunities of the United Nations, and the Convention on the Privileges and Immunities of the Specialized Agencies, the Government will extend to the Organizations, their experts and their Technical Assistance officials referred to in this

⁶ Came into force, respectively, on 14 April 1963, 18 May 1963, 24 September 1963, 3 October 1963 and 18 October 1963.

⁷ Came into force on 31 December 1963.

Agreement, the privileges and immunities provided for in these Conventions which can be applied.

2. The Organizations and technical assistance officials referred to in this Agreement shall have the benefit of the most favourable legal rate of conversion of currency in effect in the Argentine Republic at the time of conversion, provided that the latter is required for the fulfilment of functions referred to in this Agreement, including the conversion of any proportion of the experts' salaries.

5. AGREEMENTS RELATING TO THE SPECIAL FUND: MODEL AGREEMENT CONCERNING ASSISTANCE FROM THE SPECIAL FUND¹

Article VIII

Facilities, privileges and immunities

1. The Government shall apply to the United Nations and its organs, including the Special Fund, its property, funds and assets, and to its officials, the provisions of the Convention on the Privileges and Immunities of the United Nations.

2. The Government shall apply to each specialized agency acting as an Executing Agency, its property, funds and assets and to its officials, the provisions of the Convention on the Privileges and Immunities of the Specialized Agencies including any Annex to the Convention applicable to such specialized agency. In case the International Atomic Energy Agency acts as an Executing Agency, the Government shall apply to its property, funds and assets and to its officials and experts, the Agreement on the Privileges and Immunities of the International Atomic Energy Agency.

3. In appropriate cases where required by the nature of the project, the Government and the Special Fund may agree that immunities similar to those specified in the Convention on the Privileges and Immunities of the United Nations and the Convention on the Privileges and Immunities of the Specialized Agencies shall be granted by the Government to a firm or organization, and to the personnel of any firm or organization, which may be retained by either the Special Fund or an Executing Agency to execute or to assist in the execution of a project. Such immunities shall be specified in the Plan of Operation relating to the project concerned.

4. The Government shall take any measures which may be necessary to exempt the Special Fund and any Executing Agency and their officials and other persons performing services on their behalf from regulations or other legal provisions which may interfere with operations under this Agreement, and shall grant them such other facilities as may be necessary for the speedy and efficient execution of projects. It shall, in particular, grant them the following rights and facilities:

- (a) the prompt issuance without cost of necessary visas, licences or permits;
- (b) access to the site of work and all necessary rights of way;
- (c) free movement, whether within or to or from the country, to the extent necessary for proper execution of the project;
- (d) the most favourable legal rate of exchange;

¹ Technical Assistance Board/Special Fund, *Field Manual*, section D1/1 a (ii) (February 1963).

(e) any permits necessary for the importation of equipment, materials and supplies in connexion with this Agreement and for their subsequent exportation; and

(f) any permits necessary for importation of property belonging to and intended for the personal use or consumption of officials of the Special Fund or of an Executing Agency, or other persons performing services on their behalf, and for the subsequent exportation of such property.

5. In cases where a Plan of Operation so provides the Government shall either exempt from or bear the cost of any taxes, duties, fees or levies which may be imposed on any firm or organization which may be retained by an Executing Agency or by the Special Fund and the personnel of any firm or organization in respect of:

(a) the salaries or wages earned by such personnel in the execution of the project;

(b) any equipment, materials and supplies brought into the country in connexion with this Agreement or which, after having been brought into the country, may be subsequently withdrawn therefrom; and

(c) any property brought by the firm or organization or its personnel for their personal use or consumption or which, after having been brought into the country, may subsequently be withdrawn therefrom upon departure of such personnel.

6. The Government shall be responsible for dealing with any claims which may be brought by third parties against the Special Fund or an Executing Agency, against the personnel of either, or against other persons performing services on behalf of either under this Agreement, and shall hold the Special Fund, the Executing Agency concerned and the above-mentioned persons harmless in case of any claims or liabilities resulting from operations under this Agreement, except where it is agreed by the Parties hereto and the Executing Agency that such claims or liabilities arise from the gross negligence or wilful misconduct of such persons.

Article X

General provisions

...

4. ...The obligations assumed by the Government under Article VIII hereof shall survive the expiration or termination of this Agreement to the extent necessary to permit orderly withdrawal of personnel, funds and property of the Special Fund and of any Executing Agency, or of any firm or organization retained by either of them to assist in the execution of a project.

(a) Agreements between the United Nations Special Fund and the Governments of Uganda,² Trinidad and Tobago,² the Netherlands,³ Jamaica,² the Congo (Leopoldville),² Burundi² and the Central African Republic² concerning assistance from the Special Fund. Signed respectively at New York on 22 March 1963, at Port-of-Spain on 6 May 1963, at New York on 24 May 1963, at Kingston on 22 June 1963, at Leopoldville on 26 July 1963, at Usumbura on 22 August 1963, and at Bangui on 30 October 1963

These agreements contain articles similar to articles VIII and X (4) of the model agreement.

² Came into force on the date of signature.

³ Applied provisionally as from 24 May 1963.

(b) Agreement between the Government of Japan and the United Nations Special Fund concerning assistance from the Special Fund for the establishment of an International Institute of Seismology and Earthquake Engineering.⁴ Signed at New York, on 31 October 1962

This agreement contains articles similar in substance to articles VIII (with the omission of paragraphs 3 and 5) and X (4) of the model agreement, and is accompanied by the following exchange of letters:

I

Permanent Mission of Japan
to the United Nations
New York
31 October 1962

Sir,

With reference to the Agreement between the Government of Japan and the United Nations Special Fund concerning assistance from the Special Fund for the establishment of an International Institute of Seismology and Earthquake Engineering signed today, I have the honour to inform you of the following:

1. With regard to article VIII, paragraphs 1 and 2, these paragraphs are understood to apply "in regard to the execution of the project".

2. With regard to article VIII, paragraph 4 [*paragraph 6 in the model agreement*]:

(a) The claims referred to in the phrase "The Government shall be responsible for dealing with any claims which may be brought by third parties against the Special Fund or the Executing Agency or against the personnel of either. . ." are to be understood as meaning claims resulting from operations under this Agreement.

(b) It is further understood that the responsibility for dealing with such claims will not be interpreted as placing the obligation on the Government of Japan to become a party, or to act on behalf of a party, in litigation.

(c) The expression "operations under this Agreement" means the "acts done by the Special Fund, the Executing Agency or the personnel of either in the course of, or directly connected with, the performance of their mission".

...

Accept, Sir, the assurances of my highest consideration.

For the Government:
Katsuo OKAZAKI
Ambassador Extraordinary and Plenipotentiary
Permanent Representative of Japan
to the United Nations

Mr. Paul G. Hoffman
Managing Director
United Nations Special Fund
United Nations
New York 17, N.Y.

⁴ Came into force on 18 April 1963. Had been applied provisionally as from 31 October 1962.

II

Sir,

I have the honour to acknowledge the receipt of your letter of today, which reads as follows:

[See letter I]

...

It gives me pleasure to confirm the agreement of the Special Fund to the understanding contained in your communication quoted above.

Accept, Sir, the assurances of my highest consideration.

For the Special Fund:
Paul G. HOFFMAN
Managing Director
Special Fund

His Excellency Mr. Katsuo Okazaki
Ambassador Extraordinary and Plenipotentiary
Permanent Representative to the United Nations
Permanent Mission of Japan to the United Nations
235 East 42nd Street, 25th floor
New York 17, N.Y.

III

Permanent Mission of Japan
to the United Nations
New York
31 October 1962

Sir,

With reference to the Agreement between the Government of Japan and the United Nations Special Fund concerning assistance from the Special Fund for the establishment of an International Institute of Seismology and Earthquake Engineering signed today, I have the honour to inform you of the following:

With regard to article VIII, paragraph 3 (d) [*paragraph 4 (d) in the model agreement*], the basic rate of exchange of the Japanese currency is, according to the regulations of Japan, unitary for all kinds of transactions, but the actual rate of buying and/or selling may fluctuate within a narrow range around the basic rate. For example, the basic rate for the U.S. dollar is ¥ 360. Around this basic rate, the authorized Foreign Exchange Banks are allowed to decide the actual commercial buying and/or selling rate within a certain range. To illustrate, the T.T. rate for the U.S. dollar is between ¥ 361.80 and ¥ 358.20, which corresponds to 0.5 per cent. of the basic rate in either direction.

I have further the honour to request you to be good enough to take note of the above explanation.

Very truly yours,

For the Government:
Katsuo OKAZAKI
Ambassador Extraordinary and Plenipotentiary
Permanent Representative of Japan
to the United Nations

Mr. Paul G. Hoffman
Managing Director
United Nations Special Fund
United Nations
New York 17, N.Y.

IV

Sir,

I have the honour to acknowledge the receipt of your letter of today, which reads as follows:

[See letter III]

It gives me pleasure to confirm the agreement of the Special Fund to the understanding contained in your communication quoted above.

Accept, Sir, the assurances of my highest consideration.

For the Special Fund:
Paul G. HOFFMAN
Managing Director
Special Fund

His Excellency Mr. Katsuo Okazaki
Ambassador Extraordinary and Plenipotentiary
Permanent Representative to the United Nations
Permanent Mission of Japan to the United Nations
235 East 42nd Street, 25th Floor
New York 17, N.Y.

(c) Agreement between the United Nations Special Fund and the Government of New Zealand concerning assistance from the Special Fund.⁵ Signed at New York, on 28 June 1963

This agreement contains articles similar to articles VIII and X (4) of the model agreement, and is accompanied by the following exchange of letters:

I

New Zealand Mission
to the United Nations
733 Third Avenue
New York 17, N.Y.
28 June 1963

Sir,

I have the honour to refer to the Agreement signed today between the Government of New Zealand and the Special Fund for the provision of assistance from the latter and to convey to you the following observations of the Government of New Zealand concerning specific provisions of the Agreement.

(a) Article VIII, paragraphs 3 and 5, of the Agreement envisages the grant to private firms of certain fiscal privileges. Since those privileges are not in fact provided for in New Zealand law, it is unlikely that the New Zealand Government would enter into Plans of Operation involving a grant of such privileges.

(b) In connection with article VIII, paragraph 2, of the Agreement, which requires the Government to apply to each specialised agency acting as an executing agency the Con-

⁵ Came into force on 28 June 1963.

vention on the Privileges and Immunities of the Specialised Agencies, I should like to draw your attention to the declaration concerning article IV, section 11, of the Convention made by the Government of New Zealand in acceding thereto. In applying the afore-mentioned Convention with respect to Special Fund activities, the Government would propose to act with reference to this declaration.

If the foregoing observations meet with the assent of the Special Fund, I have the honour to suggest that the present letter together with your reply in that sense shall be regarded as placing on record the position of the Government of New Zealand and of the Special Fund on this matter.

Accept, Sir, the assurances of my highest consideration.

P. H. CORNER
Permanent Representative

The Managing Director
Special Fund
United Nations Secretariat
New York 17,
New York

II

28 June 1963

Sir,

I have the honour to acknowledge receipt of your letter of today's date which reads as follows:

[See letter I]

The Special Fund takes note of the intentions expressed by your Government as set out in the letter quoted above and agrees that your letter, together with this reply, shall be regarded as placing on record the positions of the Government of New Zealand and of the Special Fund on this matter.

Accept, Sir, the assurances of my highest consideration.

Paul G. HOFFMAN
Managing Director

The Permanent Representative
of New Zealand
to the United Nations
733 Third Avenue
New York 17, New York

6. AGREEMENTS FOR THE PROVISION OF OPERATIONAL, EXECUTIVE
AND ADMINISTRATIVE PERSONNEL: MODEL AGREEMENT

Article II

Functions of the Officers

...

3. The Parties hereto recognize that a special international status attaches to the officers made available to the Government under this Agreement, and that the assistance

provided the Government hereunder is in furtherance of the purposes of the United Nations. Accordingly, the officers shall not be required to perform any function incompatible with such special international status or with the purposes of the United Nations.

4. In implementation of the preceding paragraph, but without restricting its generality or the generality of the last sentence of paragraph 1 of Article I, any agreements entered into by the Government with the officers shall embody a specific provision to the effect that the officer shall not perform any functions incompatible with his special international status or with the purposes of the United Nations.

Article IV

Obligations of the Government

...

5. The Government recognizes that the officers shall:

(a) be immune from legal process in respect of words spoken or written and all acts performed by them in their official capacity;

(b) be exempt from taxation on the salaries and emoluments paid to them by the United Nations;

(c) be immune from national service obligations;

(d) be immune, together with their spouses and relatives dependent upon them, from immigration restrictions and alien registration;

(e) be accorded the same privileges in respect of exchange facilities as are accorded to the officials of comparable ranks forming part of diplomatic missions to the Government;

(f) be given, together with their spouses and relatives dependent on them, the same repatriation facilities in time of international crisis as diplomatic envoys;

(g) have the right to import free of duty their furniture and effects at the time of first taking up their post in the country in question.

6. The assistance rendered pursuant to the terms of this Agreement is in the exclusive interest and for the exclusive benefit of the people and Government of In recognition thereof, the Government shall bear all risks and claims resulting from, occurring in the course of, or otherwise connected with any operation covered by this Agreement. Without restricting the generality of the preceding sentence, the Government shall indemnify and hold harmless the United Nations and the officers against any and all liability suits, actions, demands, damages, costs or fees on account of death, injuries to person or property, or any other losses resulting from or connected with any act or omission performed in the course of operations covered by this Agreement.

(a) Agreements between the United Nations and the Governments of Israel,¹ the Syrian Arab Republic,² Saudi Arabia,¹ Trinidad and Tobago,¹ Mali,¹ Uganda¹ and the United Arab Republic³ for the provision of operational, executive and administrative personnel. Signed, respectively, at Jerusalem on 7 January 1963, at Damascus on 17 November 1962, at Riyadh on 16 March 1963, at Port-of-Spain on 6 May 1963, at New York on 9 May 1963, at New York on 29 May 1963, and at Cairo on 27 August 1963

¹ Came into force on the date of signature.

² Came into force on 16 March 1963.

³ Came into force provisionally on 27 August 1963.

These agreements contain articles similar to articles II (3) and (4) and IV (5) and (6) of the model agreement.

- (b) Agreement between the United Nations and the Government of Nicaragua for the provision of operational, executive and administrative personnel.⁴ Signed at New York, on 3 December 1963

This agreement contains articles similar to articles II (3) and (4) and IV (5) and (6) of the model agreement, except that the following sentence has been added at the end of article IV (6):

For its part, the United Nations shall, if both Parties agree that the OPEX officer has abused his authority or committed a serious fault, waive the provisions of this paragraph in order to enable the Government to hold the officer responsible for any harm or damage which he may have caused.

- (c) Agreement between the United Nations and the Government of the Dominican Republic for the provision of operational, executive and administrative personnel.⁵ Signed at Santo Domingo, on 5 August 1963

This agreement contains articles similar to articles II (3) and (4) and IV (5) and (6) of the model agreement, except that article IV (6) reads as follows:

6. The assistance rendered pursuant to this Agreement is in the exclusive interest and for the exclusive benefit of the people and Government of the Dominican Republic. In recognition thereof, the Government shall bear all the risks and claims resulting from operations covered by this Agreement. Without restricting the generality of the preceding sentence, the Government shall indemnify or hold harmless the United Nations or the officers against liability suits, actions, demands, damages, costs or fees on account of death, injuries to person or property, or any other losses resulting from or being the direct consequence of any act or omission occurring in the course of operations covered by this Agreement.

It is understood that the Government will hold officers harmless or bear risks and claims for them only for acts directly connected with the functions which they perform by virtue of this Agreement.

For its part, the United Nations shall, if both Parties agree that the OPEX officer has abused his authority or committed a serious fault, waive the provisions of this paragraph in order to enable the officer to assume responsibility for any harm or damage which he might have caused.

- (d) Agreement between the United Nations and the Government of the United Kingdom of Great Britain and Northern Ireland for the provision of operational and executive personnel.⁶ Signed at New York, on 27 June 1963

This agreement contains articles similar to articles II (3) and (4) and IV (5) and (6) of the model agreement, except that article II (4) has been omitted and the following sentence has been added at the end of article II (3): "and any agreement entered into by the Government of the Territory concerned with any officers shall embody a specific provision to that effect."

The agreement is accompanied by the following exchange of letters:

⁴ Came into force on 3 December 1963.

⁵ Came into force on 5 August 1963.

⁶ Came into force on 27 June 1963.

(22534/50/63)

United Kingdom Mission
to the United Nations
845 Third Avenue
New York
June 27, 1963

Your Excellency,

With reference to the Agreement signed to-day between the Government of the United Kingdom of Great Britain and Northern Ireland and the United Nations for the Provision of Operational and Executive Personnel to the Trust, Non-Self-Governing and other Territories for whose international relations the Government of the United Kingdom are responsible with the exception of the Federation of Rhodesia and Nyasaland, I have the honour to inform you of the following understandings of the Government of the United Kingdom:—

(a) That in deciding whether to waive immunities accorded an officer under the OPEX Agreement the Secretary-General will be guided by the same considerations as are laid down in Section 20 of Article V of the Convention on the Privileges and Immunities of the United Nations, in respect of officials.

(b) The provisions of paragraph 6 of Article IV of the Agreement will, in relation to any officer, apply only in respect of acts and omissions of an officer relating to any operation covered by this Agreement, not amounting to wilful neglect or reckless misconduct on his part.

(c) In the event of any payment being made in accordance with the provisions of paragraph 6 of Article IV of the Agreement, subject to sub-paragraph (b) above, the Government of a Territory making such payment will be entitled to exercise and enjoy the benefit of all rights and claims of the United Nations or the officer concerned, as the case may require, against third persons.

(d) The United Nations or the officer concerned, as the case may require, will place at the disposal of the Government of a Territory any information or other assistance required for the fulfilment of the purpose of sub-paragraph (c) above or for the handling of any case to which paragraph 6 of Article IV of the Agreement, subject to sub-paragraph (c) above, relates.

If the foregoing is also the understanding of the United Nations I have the honour to suggest that the present letter together with your reply in that sense shall be regarded as placing on record the understanding of the Government of the United Kingdom of Great Britain and Northern Ireland and of the United Nations in this matter.

R. W. JACKLING
Deputy Permanent Representative
of the United Kingdom of Great Britain
and Northern Ireland
to the United Nations

His Excellency U Thant
Secretary-General
United Nations
New York

II

U.K. Territories

27 June 1963

Sir,

I have the honour to acknowledge the receipt of your letter of today's date which reads as follows:

[See letter I]

Mr. Roger W. Jackling, C.M.G.
Deputy Permanent Representative
of the United Kingdom of Great Britain
and Northern Ireland to the United Nations
845 Third Avenue
New York 22, New York

It gives me pleasure to confirm on behalf of the United Nations the agreement of the United Nations to the proposals contained in your letter quoted above. Accordingly, your letter, together with this reply, shall be regarded as placing on record the understanding of the Government of the United Kingdom of Great Britain and Northern Ireland and of the United Nations in this matter.

Accept, Sir, the assurances of my highest consideration.

Chi-Yuen Wu
Acting Commissioner for Technical Assistance

(e) Agreement between the United Nations and the Government of Jamaica for the provision of operational, executive and administrative personnel.⁷
Signed at Kingston, on 22 May 1963

This agreement contains articles similar to articles II (3) and (4) and IV (5) and (6) of the model agreement.

Exchange of letters constituting an agreement⁸ between the United Nations and the Government of Jamaica relating to the above-mentioned agreement. Kingston, 11 and 23 September 1963

I

119/02

Ministry of External Affairs
P.O. Box 624
Kingston, Jamaica
11 September 1963

Sir,

This is with reference to the Agreement covering provision by the United Nations of Experts in response to the Jamaica Government's request for operational or executive personnel.

⁷ Came into force on 22 May 1963.

⁸ Came into force on 23 September 1963.

I am directed to convey to you the proposal of the Government of Jamaica that the provisions of paragraph 6 of Article 4 of this Agreement shall apply only in respect of acts or omissions taking place after the entry into force thereof in the execution within Jamaica of programmes arranged pursuant to the Agreement not amounting to a wilful neglect or reckless misconduct of the experts, agents or employees concerned.

I am, Sir,

Your obedient servant,

C. J. BURGESS
for Permanent Secretary
Ministry of External Affairs

Mr. Jaime Balcazar-Aranibar
Acting Regional Representative
UNTAB
Port-of-Spain, Trinidad

II

TAB/313/9-134

23 September 1963

Dear Sir,

I have the honour to acknowledge receipt of your letter dated 11 September—No. 119/02, with reference to the Agreement covering provision by the United Nations of experts for operational or executive personnel, reading as follows:

[See letter I]

I am pleased to inform you that the proposal of your Government is acceptable to the United Nations.

Yours sincerely,

Jaime BALCAZAR-ARANIBAR
Acting Regional Representative

Mr. James Lloyd
Permanent Secretary
Ministry of Foreign Affairs
Kingston, Jamaica

- (f) Exchange of letters constituting an agreement⁹ between the United Nations and the Government of Tanganyika regarding the interpretation of article IV, paragraph 6 of the Agreement¹⁰ of 1 June 1962 for the provision of operational, executive and administrative personnel. Dar es Salaam, 16 and 18 October 1963

⁹ Came into force on 18 October 1963.

¹⁰ This agreement contains articles similar to articles II (3) and (4) and IV (5) and (6) of the model agreement.

I

TAN 6-16-1

16 October 1963

Sir,

I have the honour to refer to the Agreement between the United Nations and the Government of Tanganyika, governing the provision of operational, executive and administrative personnel signed on the 1st June, 1962.

With reference to Article IV, paragraph 6, of this Agreement, it is to be understood the phrase contained therein, namely "claims resulting from, occurring in the course of, or otherwise connected with any operation covered by this Agreement", shall not be deemed to include any claims arising from wilful or reckless acts or omissions, attributable to the officers, which violate the regulations, rules or administrative instructions governing the activities and conduct of such officers, or which are clearly inconsistent with the responsibilities and functions entrusted to them.

The question of whether or not any particular case shall or shall not be deemed to be the liability of the Government (under a revised liability clause) shall be dealt with on a case-by-case basis, and by agreement between the Government and the United Nations.

Upon receipt of a communication from the Government of Tanganyika signifying acceptance of the foregoing clarification of Article IV, paragraph 6, of the Agreement, the Agreement shall be deemed to be modified by this exchange of letters.

Accept, Sir, the assurance of my highest consideration.

Robin T. MILLER
Deputy Regional Representative

The Permanent Secretary
The Treasury
P.O. Box 9111
Dar es Salaam

II

The Treasury
P.O. Box 9111
Dar es Salaam
Tanganyika

TY/E. 520/12/190

18 October 1963

Dear Sir,

I am directed to acknowledge receipt of your letter No: TAN 6-16-1 of the 16th October, 1963, and to say that:

[See letter I]

Yours faithfully,

G.M.S. MANALLA
Permanent Secretary

The Deputy Regional Representative
UNTAB
P.O. Box 9182
Dar es Salaam

7. EXCHANGE OF LETTERS CONSTITUTING AN ADDITIONAL AGREEMENT¹ TO THE INTERIM ARRANGEMENT OF 11 JUNE AND 1 JULY 1946 ON PRIVILEGES AND IMMUNITIES OF THE UNITED NATIONS CONCLUDED BETWEEN THE SECRETARY-GENERAL OF THE UNITED NATIONS AND THE SWISS FEDERAL COUNCIL. BERNE, 5 APRIL 1963, AND GENEVA, 11 APRIL 1963

I

Federal Political Department
Berne, 5 April 1963

Sir,

We have the honour to propose the following changes in the Interim Arrangement on Privileges and Immunities of the United Nations concluded between the Federal Council and the Secretary-General of the United Nations on 19 April 1946:²

1. The title of the Interim Arrangement shall be amended and shall now become: "Agreement on Privileges and Immunities of the United Nations concluded between the Swiss Federal Council and the Secretary-General of the United Nations" on 19 April 1946".

2. Article V, section 16, of the Interim Arrangement shall be replaced by the following text:

"Section 16. The Secretary-General and the Assistant Secretaries-General, and the officials assimilated to them, shall be accorded in respect of themselves, their spouses and minor children, the privileges and immunities, exemptions and facilities accorded to diplomatic envoys, in accordance with international law and international usage.

"In addition, officials in the categories which are specified by the Secretary-General, or by the person authorized by him, and which are agreed to by the Swiss Federal Council, shall be accorded the privileges and immunities, exemptions and facilities accorded to diplomatic agents who are not heads of mission."

This letter and your affirmative reply will be the documents constituting the agreement which introduces the amendments proposed.

We have the honour to be, etc.

Federal Political Department
International Organizations
(*Signature illegible*)

The Director of the European Office
of the United Nations
Palais des Nations
Geneva

II

Geneva, 11 April 1963

Sir,

I have the honour to acknowledge receipt of your letter of 5 April 1963 in which you were good enough, on behalf of the Federal Council, to propose to the United Nations the following changes in the Interim Arrangement on Privileges and Immunities of this Organi-

¹ Came into force on 11 April 1963.

² The date on which the Interim Arrangement was initialled.

zation, concluded between the Federal Council and the Secretary-General of the United Nations on 19 April 1946:

[See letter I]

I have the honour to inform you that I accept, on behalf of the Secretary-General of the United Nations, the proposed amendments set forth above.

Your aforementioned letter of 5 April 1963 and this reply will be the documents constituting the agreement which introduces the amendments proposed.

I have the honour to be, etc.

P. P. Spinelli
Under-Secretary
Director of the European Office
of the United Nations

Mr. Jakob Burkhardt
Head of the International Organizations Division
Federal Political Department
Berne

8. EXCHANGE OF LETTERS CONSTITUTING AN AGREEMENT BETWEEN THE UNITED NATIONS AND SAUDI ARABIA RELATING TO PRIVILEGES, IMMUNITIES AND FACILITIES FOR THE OBSERVATION OPERATION ALONG THE SAUDI ARABIA-YEMEN BORDER ESTABLISHED PURSUANT TO THE SECURITY COUNCIL RESOLUTION OF 11 JUNE 1963.¹ NEW YORK, 23 AUGUST 1963

I

United Nations
New York

PO 230 SAUDI ARABIA

23 August 1963

Sir,

I have the honour to refer to the resolution of 11 June 1963, by which the United Nations Security Council requested the Secretary-General to establish the Observation Operation along the Saudi Arabia-Yemen border as defined by him in his reports and statements to the Security Council.

In order to facilitate the Operation in the fulfillment of its purposes, I propose that your Government, pending its accession to the Convention on the Privileges and Immunities of the United Nations, might extend to the Operation, its property and assets the status, privileges and immunities provided therein. I would also propose, in view of the special importance and difficult nature of the functions which this Operation will perform, that your Government might extend to the Commander of the Operation and to all personnel serving under him including military observers, secretariat and experts—over and above the status provided under the Convention on the Privileges and Immunities of the United Nations—the privileges and immunities, exemptions and facilities which are enjoyed by diplomatic

¹ Came into force on 23 August 1963 and became effective retroactively from 13 June 1963.

envoys in accordance with international law. The privileges and immunities necessary for the fulfillment of the functions of the Operation also include freedom of entry, without delay or hindrance, of property, equipment and spare parts; freedom of movement of personnel, equipment and transport; the use of United Nations vehicle registration plates; the right to fly the United Nations flag on premises, observation posts and vehicles; and the right of unrestricted communication by radio, both within the area of operations and to connect with the United Nations radio network, as well as by telephone, telegraph or other means.

It is my understanding that the Saudi Arabian Government will provide at its own expense, in agreement with the Commander, all such premises as may be necessary for the accommodation and fulfillment of the functions of the Operation, including office space and areas for observation posts and field centres. All such premises shall be inviolable and subject to the exclusive control and authority of the Operation. I likewise understand that your Government will in consultation with the Operation provide for necessary means of transportation and communication.

If those proposals meet with your approval, I should like to suggest that this letter and your reply should constitute an agreement between the United Nations and Saudi Arabia, to take effect from the date of the arrival of the first members of the Operation in Saudi Arabia.

Accept, Sir, the assurances of my highest consideration.

U THANT
Secretary-General

Mr. Zein A. Dabbagh
Acting Permanent Representative
of Saudi Arabia to the United Nations
633 Third Avenue
New York 17, New York

II

23 August 1963

Sir,

I have the honour to refer to your letter of today's date concerning certain privileges, immunities and facilities for the Observation Operation established by Security Council Resolution of 11 June 1963. I am pleased to advise you in the name of my Government that, having in mind the difficult nature of the functions of the Observation Operation, the Government of Saudi Arabia fully agrees with and hereby expresses its acceptance of the terms of your letter.

The Government of Saudi Arabia also agrees that your letter and this reply should constitute an agreement between the United Nations and Saudi Arabia, effective from the date of the arrival of the first members of the Observation Operation in Saudi Arabia.

Please accept, Sir, the assurances of my highest consideration.

Zein A. DABBAGH
Acting Permanent Representative
of Saudi Arabia
to the United Nations

His Excellency U Thant
Secretary-General
United Nations
New York, N.Y.

B. Treaty provisions concerning the Legal Status of the inter-governmental organizations related to the United Nations

1. CONVENTION ON THE PRIVILEGES AND IMMUNITIES OF THE SPECIALIZED AGENCIES.¹ ADOPTED BY THE GENERAL ASSEMBLY OF THE UNITED NATIONS ON 21 NOVEMBER 1947

In 1963, the following States acceded to the Convention, or if already Parties undertook by a subsequent notification to apply the provisions of the Convention, in respect of the specialized agencies indicated below:²

<i>State</i>		<i>Date of receipt of instrument of accession or notification</i>	<i>Specialized Agencies</i>
Argentina	Accession	10 October 1963	WHO — Third revised text of annex VII, ICAO, ILO, FAO — Revised text of annex II, UNESCO, BANK, FUND, UPU, ITU, WMO, IMCO, IFC
Brazil	Accession	22 March 1963	WHO, ICAO, ILO, FAO, UNESCO, FUND, UPU, ITU, WMO, IMCO, IFC, IDA
	Notification	24 April 1963	BANK
Federal Republic of Germany	Notification	23 May 1963	FAO — Revised text of annex II
India	Notification	12 April 1963	FAO — Revised text of annex II
Jamaica	Accession	4 November 1963	WHO, ICAO, ILO, FAO, UNESCO, UPU, ITU, WMO
Japan	Accession	18 April 1963	WHO, ICAO, ILO, FAO, UNESCO, BANK, FUND, UPU, ITU, WMO, IMCO, IFC, IDA
Kuwait	Notification	7 February 1963	WHO — Third revised text of annex VII, ICAO, ILO, FAO — Revised text of annex II, UNESCO, BANK, FUND, UPU, WMO, IMCO, IFC, IDA
New Zealand	Notification	17 October 1963	IMCO
Tanganyika	Notification	26 March 1963	WMO
	Notification	10 April 1963	ICAO, BANK, FUND, ITU, IFC

By 31 December 1963, forty-six States were parties to the Convention.

¹ United Nations, *Treaty Series*, vol. 33, p. 261.

² The Convention is in force with regard to each State which deposited an instrument of accession and in respect of specialized agencies indicated therein or in a subsequent notification as from the date of deposit of such instrument or receipt of such notification.

2. WORLD HEALTH ORGANIZATION

- (a) Basic Agreements between the World Health Organization and the Governments of Mongolia and Syria for the provision of technical advisory assistance.¹ Signed respectively at Ulan Bator on 21 June 1963 and New Delhi on 11 July 1963, and at Damascus on 18 November 1962

Article I

Furnishing of Technical Advisory Assistance

...
6. The Government shall be responsible for dealing with any claims which may be brought by third parties against the Organization and its advisers, agents and employees and shall hold harmless the Organization and its advisers, agents and employees in case of any claims or liabilities resulting from operations under this Agreement, except where it is agreed by the Government and the Organization that such claims or liabilities arise from the gross negligence or wilful misconduct of such advisers, agents or employees.

Article V

Facilities, Privileges and Immunities

1. The Government, in so far as it is not already bound to do so, shall apply to the Organization, its staff, funds, properties and assets the appropriate provisions of the Convention on the Privileges and Immunities of the Specialized Agencies.

2. Staff of the Organization, including advisers engaged by it as members of the staff assigned to carry out the purposes of this Agreement, shall be deemed to be officials within the meaning of the above Convention. This Convention shall also apply to any WHO representative appointed to Mongolia [to the Syrian Arab Republic] who shall be afforded the treatment provided for under Section 21 of the said Convention.

- (b) Basic Agreement between the World Health Organization and the Government of Burundi for the provision of technical advisory assistance.² Signed at Usumbura, on 8 August 1963, and at Brazzaville, on 30 August 1963

This agreement contains articles similar to articles I (6) and V cited under (a) above, with the omission of the second sentence in article V (2).

- (c) Basic Agreement between the World Health Organization and the Government of Jamaica for the provision of technical advisory assistance.³ Signed at Washington, on 12 July 1963, and at Kingston, on 25 September 1963

Article I

Furnishing of Technical Advisory Assistance

...
7. The technical advisory assistance rendered pursuant to the terms of this Agreement is in the exclusive interest and for the exclusive benefit of the Government of Jamaica. In

¹ Came into force, respectively, on 11 July 1963 and 22 September 1963.

² Came into force on 30 August 1963.

³ Came into force on 25 September 1963.

recognition thereof, the Government shall undertake to bear risks and claims resulting from, occurring in the course of, or otherwise connected with any operation covered by this Agreement. Without restricting the generality of the preceding sentence, the Government shall indemnify and hold harmless the Organization and its advisers, agents, or employees against any and all liability suits, actions, demands, damages, costs or fees on account of death, injuries to persons or property, or any other losses resulting from or connected with any act or omission performed in the course of operations covered by this Agreement, except where it is agreed on by the Government and the Organization that such claims or liabilities arise from the gross negligence or wilful misconduct of such advisers, agents, or employees.

Article V

Facilities, Privileges and Immunities

[Similar to article V in (a) above]

- (d) Agreements between the World Health Organization and the Governments of Burundi and Somalia for the provision of operational assistance.⁴ Signed respectively at Usumbura on 30 August and 19 September 1963, and at Alexandria on 8 November 1963 and Mogadiscio on 23 November 1963

These agreements contain articles similar to articles II (3) and (4) and IV (5) and (6) of the model agreement referred to in section A 6 above.

⁴ Came into force, respectively, on 19 September 1963 and 23 November 1963.

3. WORLD METEOROLOGICAL ORGANIZATION

Amendments to the Convention of the World Meteorological Organization.
Adopted by the Fourth World Meteorological Congress (1963)

Part XIV

LEGAL STATUS, PRIVILEGES AND IMMUNITIES

Article 26

[Amended text reproduced in this *Yearbook*, p. 147]

4. INTERNATIONAL ATOMIC ENERGY AGENCY

- (a) Agreement on the Privileges and Immunities of the International Atomic Energy Agency.¹ Approved by the Board of Governors of the Agency on 1 July 1959

¹ United Nations, *Treaty Series*, vol. 374, p. 147.

The following States accepted the Agreement on the Privileges and Immunities of the International Atomic Energy Agency in 1963:²

<i>State</i>	<i>Date of deposit of instrument of acceptance</i>
United Arab Republic . . .	12 February 1963
Pakistan ³	16 April 1963
Japan	18 April 1963
Netherlands ⁴	29 August 1963
Yugoslavia	14 October 1963
Argentina	15 October 1963
Ghana	16 December 1963

This brought up to 19 the number of States parties to the Agreement.

- (b) Agreement between the International Atomic Energy Agency and the Governments of Iraq, Lebanon, Libya, Tunisia, the United Arab Republic, etc. for the establishment in Cairo of a Middle Eastern regional radio-isotope centre for the Arab countries.⁵ Approved by the Board of Governors of the Agency on 14 September 1962

Article XI

Legal Status

Section 23. The Centre shall have juridical personality.

Section 24. Save for the obligations expressly provided for in this Agreement, the Agency, the Host State and the Participating States shall have no responsibility for any civil, financial or other obligations in respect of the Centre.

Section 25. The Host State shall accord to the Centre, its premises, property, funds and assets the privileges and immunities which are necessary for the operation of the Centre in conformity with the Agreement on the Privileges and Immunities of the Agency (Agency document INFCIRC/9/Rev. 1).

Section 26. The Host State shall also grant to members of the Governing Body, the Director and the staff of the Centre the privileges and immunities necessary for the exercise of their functions.

² The Agreement comes into force as between the Agency and the accepting States on the date of deposit of instruments of acceptance.

³ With the following reservation:

“...the concessions and privileges conferred by the Agreement on the employees of the Agency should not be admissible to the Pakistani nationals serving on the staff of the Agency in Pakistan.”

The Agency interprets this reservation not to deprive Agency staff members serving in Pakistan, including Pakistani nationals, of the privileges and immunities which follow from the provision in Article XV.B of the Agency’s Statute that “the Director-General and the staff of the Agency shall enjoy such privileges and immunities as are necessary for the independent exercise of their functions in connection with the Agency.” The Government of Pakistan has been informed of this interpretation. (Information furnished by the Agency).

⁴ With the following declaration:

“The term ‘country’ in article III, sections 6(b) and 8(b) and in article VI, section 18(a)(vi) shall be understood to mean ‘any of the individual countries of the Kingdom (viz. the Netherlands, Surinam and the Netherlands Antilles)’.”

“In article VIII, section 27, the term ‘country’ shall, however, be understood to mean ‘the Kingdom of the Netherlands’.”

⁵ Came into force on 29 January 1963.

Section 27. The Host State shall apply to the Agency, its funds, assets and staff, as well as to the Technical Adviser, technical staff and experts and visiting professors from abroad, the Agreement on the Privileges and Immunities of the Agency.

- (c) Agreement⁶ between the International Atomic Energy Agency, the Government of Japan and the Government of the United States of America for the application of safeguards by the Agency to the bilateral Agreement between those Governments concerning civil uses of atomic energy. Signed at Vienna, on 23 September 1963

Article III

Agency Inspectors

...

Section 16. Japan shall apply the provisions of the Agreement on the Privileges and Immunities of the Agency to the Agency inspectors performing functions consequent upon this Agreement and to any property of the Agency used by them.

Section 17. The provisions of the International Organizations Immunities Act of the United States shall apply to Agency inspectors performing functions in the United States.

- (d) Agreement between the International Atomic Energy Agency and the Government of Mexico for assistance by the Agency to Mexico in establishing a research reactor project.⁷ Signed at Vienna, on 18 December 1963

Article VII

Agency Inspectors

Section 9. The provisions relating to Agency inspectors shall be those set forth in the Annex to Agency document GC(V)/INF/39. In connection with the project to which this Agreement refers, Mexico shall apply the relevant provisions of the Agreement on the Privileges and Immunities of the International Atomic Energy Agency to Agency inspectors and to any property of the Agency used by them in carrying out their functions, it being understood that :

(a) The Agency shall not be entitled to acquire immovable property in Mexican territory, in view of the property regulations laid down by the Political Constitution of the United Mexican States; and

(b) Such inspectors (whether officials or experts) as are of Mexican nationality shall enjoy, in the exercise of their functions in Mexican territory, exclusively those prerogatives included in Section 18(a), sub-paragraphs (i), (iii), (v) and (vi), and in Section 23, paragraphs (a), (b), (c), (d) and (f) respectively, of that Agreement, and that the inviolability established in the aforesaid paragraph (c) of Section 23 shall be granted only for official papers and documents.

⁶ Came into force on 1 November 1963.

⁷ Came into force on 18 December 1963.

Part Two

**LEGAL ACTIVITIES OF THE UNITED NATIONS
AND RELATED INTER-GOVERNMENTAL ORGANIZATIONS**

Chapter III

SELECTED DECISIONS, RECOMMENDATIONS AND REPORTS OF A LEGAL CHARACTER BY THE UNITED NATIONS AND RELATED INTER-GOVERNMENTAL ORGANIZATIONS

United Nations General Assembly — eighteenth session

1. QUESTION OF GENERAL AND COMPLETE DISARMAMENT: REPORT OF THE CONFERENCE OF THE EIGHTEEN-NATION COMMITTEE ON DISARMAMENT (AGENDA ITEM 26)

Resolution [1884 (XVIII)] adopted by the General Assembly

1884 (XVIII). Question of general and complete disarmament

The General Assembly,

Recalling its resolution 1721 A (XVI) of 20 December 1961, in which it expressed the belief that the exploration and use of outer space should be only for the betterment of mankind,

Determined to take steps to prevent the spread of the arms race to outer space,

1. *Welcomes* the expressions by the Union of Soviet Socialist Republics and the United States of America of their intention not to station in outer space any objects carrying nuclear weapons or other kinds of weapons of mass destruction;

2. *Solemnly calls upon* all States:

- (a) To refrain from placing in orbit around the earth any objects carrying nuclear weapons or any other kinds of weapons of mass destruction, installing such weapons on celestial bodies, or stationing such weapons in outer space in any other manner;

- (b) To refrain from causing, encouraging or in any way participating in the conduct of the foregoing activities.

*1244th plenary meeting
17 October 1963*

-
2. INTERNATIONAL CO-OPERATION IN THE PEACEFUL USES OF OUTER SPACE: (A) REPORT OF THE COMMITTEE ON THE PEACEFUL USES OF OUTER SPACE; (B) REPORT OF THE ECONOMIC AND SOCIAL COUNCIL [CHAPTER VII (SECTION IV)] (AGENDA ITEM 28)

Resolution [1962 (XVIII)] adopted by the General Assembly

1962 (XVIII). Declaration of Legal Principles Governing the Activities of States in the Exploration and Use of Outer Space

The General Assembly,

Inspired by the great prospects opening up before mankind as a result of man's entry into outer space,

Recognizing the common interest of all mankind in the progress of the exploration and use of outer space for peaceful purposes,

Believing that the exploration and use of outer space should be carried on for the betterment of mankind and for the benefit of States irrespective of their degree of economic or scientific development,

Desiring to contribute to broad international co-operation in the scientific as well as in the legal aspects of exploration and use of outer space for peaceful purposes,

Believing that such co-operation will contribute to the development of mutual understanding and to the strengthening of friendly relations between nations and peoples,

Recalling its resolution 110 (II) of 3 November 1947, which condemned propaganda designed or likely to provoke or encourage any threat to the peace, breach of the peace, or act of aggression, and considering that the aforementioned resolution is applicable to outer space,

Taking into consideration its resolutions 1721 (XVI) of 20 December 1961 and 1802 (XVII) of 14 December 1962, adopted unanimously by the States Members of the United Nations,

Solemnly declares that in the exploration and use of outer space States should be guided by the following principles:

1. The exploration and use of outer space shall be carried on for the benefit and in the interest of all mankind.
2. Outer space and celestial bodies are free for exploration and use by all States on a basis of equality and in accordance with international law.
3. Outer space and celestial bodies are not subject to national appropriation by claim of sovereignty, by means of use or occupation, or by any other means.
4. The activities of States in the exploration and use of outer space shall be carried on in accordance with international law, including the Charter of the United Nations, in the interest of maintaining international peace and security and promoting international co-operation and understanding.
5. States bear international responsibility for national activities in outer space, whether carried on by governmental agencies or by non-governmental entities, and for assuring that national activities are carried on in conformity with the principles set forth in the present Declaration. The activities of non-governmental entities in outer space shall require authorization and continuing supervision by the State concerned. When activities are carried on in outer space by an international organization, responsibility for compliance with the principles set forth in this Declaration shall be borne by the international organization and by the States participating in it.
6. In the exploration and use of outer space, States shall be guided by the principle of co-operation and mutual assistance and shall conduct all their activities in outer space with due regard for the corresponding interests of other States. If a State has reason to believe that an outer space activity or experiment planned by it or its nationals would cause poten-

tially harmful interference with activities of other States in the peaceful exploration and use of outer space, it shall undertake appropriate international consultations before proceeding with any such activity or experiment. A State which has reason to believe that an outer space activity or experiment planned by another State would cause potentially harmful interference with activities in the peaceful exploration and use of outer space may request consultation concerning the activity or experiment.

7. The State on whose registry an object launched into outer space is carried shall retain jurisdiction and control over such object, and any personnel thereon, while in outer space. Ownership of objects launched into outer space, and of their component parts, is not affected by their passage through outer space or by their return to the earth. Such objects or component parts found beyond the limits of the State of registry shall be returned to that State, which shall furnish identifying data upon request prior to return.

8. Each State which launches or procures the launching of an object into outer space, and each State from whose territory or facility an object is launched, is internationally liable for damage to a foreign State or to its natural or juridical persons by such object or its component parts on the earth, in air space, or in outer space.

9. States shall regard astronauts as envoys of mankind in outer space, and shall render to them all possible assistance in the event of accident, distress, or emergency landing on the territory of a foreign State or on the high seas. Astronauts who make such a landing shall be safely and promptly returned to the State of registry of their space vehicle.

*1280th plenary meeting
13 December 1963*

3. DRAFT DECLARATION ON THE ELIMINATION OF ALL FORMS OF RACIAL DISCRIMINATION (AGENDA ITEM 43)

Resolution [1904 (XVIII)] adopted by the General Assembly

1904 (XVIII) United Nations Declaration on the Elimination of All Forms of Racial Discrimination

The General Assembly,

Considering that the Charter of the United Nations is based on the principles of the dignity and equality of all human beings and seeks, among other basic objectives, to achieve international co-operation in promoting and encouraging respect for human rights and fundamental freedoms for all without distinction as to race, sex, language or religion,

Considering that the Universal Declaration of Human Rights proclaims that all human beings are born free and equal in dignity and rights and that everyone is entitled to all the rights and freedoms set out in the Declaration, without distinction of any kind, in particular as to race, colour or national origin,

Considering that the Universal Declaration of Human Rights proclaims further that all are equal before the law and are entitled without any discrimination to equal protection of the law and that all are entitled to equal protection against any discrimination and against any incitement to such discrimination,

Considering that the United Nations has condemned colonialism and all practices of segregation and discrimination associated therewith, and that the Declaration on the granting of independence to colonial countries and peoples proclaims in particular the necessity of bringing colonialism to a speedy and unconditional end,

Considering that any doctrine of racial differentiation or superiority is scientifically false, morally condemnable, socially unjust and dangerous, and that there is no justification for racial discrimination either in theory or in practice,

Taking into account the other resolutions adopted by the General Assembly and the international instruments adopted by the specialized agencies, in particular the International Labour Organisation and the United Nations Educational, Scientific and Cultural Organization, in the field of discrimination,

Taking into account the fact that, although international action and efforts in a number of countries have made it possible to achieve progress in that field, discrimination based on race, colour or ethnic origin in certain areas of the world continues none the less to give cause for serious concern,

Alarmed by the manifestations of racial discrimination still in evidence in some areas of the world, some of which are imposed by certain Governments by means of legislative, administrative or other measures, in the form, *inter alia*, of *apartheid*, segregation and separation as well as by the promotion and dissemination of doctrines of racial superiority and expansionism in certain areas,

Convinced that all forms of racial discrimination and, still more so, governmental policies based on the prejudice of racial superiority or on racial hatred, besides constituting a violation of fundamental human rights, tend to jeopardize friendly relations among peoples, co-operation between nations and international peace and security,

Convinced also that racial discrimination harms not only those who are its objects but also those who practise it,

Convinced further that the building of a world society free from all forms of racial segregation and discrimination, factors which create hatred and division among men, is one of the fundamental objectives of the United Nations,

1. *Solemnly affirms* the necessity of speedily eliminating racial discrimination throughout the world, in all its forms and manifestations, and of securing understanding of and respect for the dignity of the human person;
2. *Solemnly affirms* the necessity of adopting national and international measures to that end, including teaching, education and information, in order to secure the universal and effective recognition and observance of the principles set forth below;
3. *Proclaims* this Declaration:

Article 1

Discrimination between human beings on the ground of race, colour or ethnic origin is an offence to human dignity and shall be condemned as a denial of the principles of the Charter of the United Nations, as a violation of the human rights and fundamental freedoms proclaimed in the Universal Declaration of Human Rights, as an obstacle to friendly and peaceful relations among nations and as a fact capable of disturbing peace and security among peoples.

Article 2

1. No State, institution, group or individual shall make any discrimination whatsoever in matters of human rights and fundamental freedoms in the treatment of persons, groups of persons or institutions on the ground of race, colour or ethnic origin.

2. No State shall encourage, advocate or lend its support, through police action or otherwise, to any discrimination based on race, colour or ethnic origin by any group, institution or individual.

3. Special concrete measures shall be taken in appropriate circumstances in order to secure adequate development or protection of individuals belonging to certain racial groups with the object of ensuring the full enjoyment by such individuals of human rights and fundamental freedoms. These measures shall in no circumstances have as a consequence the maintenance of unequal or separate rights for different racial groups.

Article 3

1. Particular efforts shall be made to prevent discrimination based on race, colour or ethnic origin, especially in the fields of civil rights, access to citizenship, education, religion, employment, occupation and housing.

2. Everyone shall have equal access to any place or facility intended for use by the general public, without distinction as to race, colour or ethnic origin.

Article 4

All States shall take effective measures to revise governmental and other public policies and to rescind laws and regulations which have the effect of creating and perpetuating racial discrimination wherever it still exists. They should pass legislation for prohibiting such discrimination and should take all appropriate measures to combat those prejudices which lead to racial discrimination.

Article 5

An end shall be put without delay to governmental and other public policies of racial segregation and especially policies of *apartheid*, as well as all forms of racial discrimination and separation resulting from such policies.

Article 6

No discrimination by reason of race, colour or ethnic origin shall be admitted in the enjoyment by any person of political and citizenship rights in his country, in particular the right to participate in elections through universal and equal suffrage and to take part in the government. Everyone has the right of equal access to public service in his country.

Article 7

1. Everyone has the right to equality before the law and to equal justice under the law. Everyone, without distinction as to race, colour or ethnic origin, has the right to security of person and protection by the State against violence or bodily harm, whether inflicted by government officials or by individual, group or institution.

2. Everyone shall have the right to an effective remedy and protection against any discrimination he may suffer on the ground of race, colour or ethnic origin with respect to his fundamental rights and freedoms through independent national tribunals competent to deal with such matters.

Article 8

All effective steps shall be taken immediately in the fields of teaching, education and information, with a view to eliminating racial discrimination and prejudice and promoting understanding, tolerance and friendship among nations and racial groups, as well as to propagating the purposes and principles of the Charter of the United Nations, of the Universal Declaration of Human Rights, and of the Declaration on the granting of independence to colonial countries and peoples.

Article 9

1. All propaganda and organizations based on ideas or theories of the superiority of one race or group of persons of one colour or ethnic origin with a view to justifying or promoting racial discrimination in any form shall be severely condemned.

2. All incitement to or acts of violence, whether by individuals or organizations, against any race or group of persons of another colour or ethnic origin shall be considered an offence against society and punishable under law.

3. In order to put into effect the purposes and principles of the present Declaration, all States shall take immediate and positive measures, including legislative and other measures, to prosecute and/or outlaw organizations which promote or incite to racial discrimination, or incite to or use violence for purposes of discrimination based on race, colour or ethnic origin.

Article 10

The United Nations, the specialized agencies, States and non-governmental organizations shall do all in their power to promote energetic action which, by combining legal and other practical measures, will make possible the abolition of all forms of racial discrimination. They shall, in particular, study the causes of such discrimination with a view to recommending appropriate and effective measures to combat and eliminate it.

Article 11

Every State shall promote respect for and observance of human rights and fundamental freedoms in accordance with the Charter of the United Nations and shall fully and faithfully observe the provisions of the present Declaration, the Universal Declaration of Human Rights and the Declaration on the granting of independence to colonial countries and peoples.

*1261st plenary meeting
20 November 1963*

4. REPORT OF THE INTERNATIONAL LAW COMMISSION ON THE WORK OF ITS FIFTEENTH SESSION (AGENDA ITEM 69)

(a) Report of the Sixth Committee¹

*[Original text: English]
[6 November 1963]*

INTRODUCTION

1. At its 1210th plenary meeting held on 20 September 1963, the General Assembly decided to include the item entitled "Report of the International Law Commission on the work of its fifteenth session" in the agenda of its eighteenth session, and to allocate the item to the Sixth Committee.

2. The Sixth Committee considered this agenda item from its 780th to its 793rd meetings, held from 26 September to 15 October 1963.

¹ Document A/5601, reproduced from *Official Records of the General Assembly, Eighteenth Session, Annexes*, agenda item 69.

3. At the 780th meeting, the Chairman welcomed Mr. Eduardo Jiménez de Aréchaga, Chairman of the International Law Commission, on behalf of the Sixth Committee and invited him to present the Commission's report (A/5509). At the 789th meeting, held on 11 October, Mr. Jiménez de Aréchaga replied to the comments made by certain representatives during the debate.

4. The report of the International Law Commission consisted of five chapters, devoted respectively to the organization of the session, the law of treaties, the question of extended participation in general multilateral treaties concluded under the auspices of the League of Nations, the progress of work on other questions under study by the Commission, and other decisions and conclusions of the Commission. The reports of the Chairmen of the Sub-Committee on State Responsibility and of the Sub-Committee on the Succession of States and Governments appeared as annexes I and II, respectively, to the Commission's report.

5. The Sixth Committee discussed, under the agenda item, all the chapters of the report of the International Law Commission, except that on the question of extended participation in general multilateral treaties concluded under the auspices of the League of Nations, which constituted a separate item (item 70) allocated to the Sixth Committee by the General Assembly.

PROPOSAL AND AMENDMENT

6. Canada, Ceylon, Colombia, Cyprus, Guatemala, India and Indonesia submitted a draft resolution (A/C.6/L.529 and Corr.1) under which the General Assembly would (1) take note of the report of the International Law Commission covering the work of its fifteenth session; (2) express its appreciation to the Commission for the work accomplished at its fifteenth session, especially with regard to the law of treaties; (3) note with approval the programme of work for 1964 proposed by the Commission in its report; (4) recommend that the Commission should: (a) continue the work of codification and progressive development of the law of treaties, taking into account the views expressed at the eighteenth session of the General Assembly and the comments which might be submitted by Governments, in order that the law of treaties might be based on the widest and most secure foundations; (b) continue its work on State responsibility, taking into account the views expressed at the eighteenth session of the General Assembly and the report of the Sub-Committee on State Responsibility, and giving due consideration to the purposes and principles enshrined in the Charter of the United Nations; (c) continue its work on the succession of States and Governments, taking into account the views expressed at the eighteenth session of the General Assembly, the report of the Sub-Committee on the Succession of States and Governments and the comments which might be submitted by Governments, with appropriate reference to the views of States which had achieved independence since the Second World War; (d) continue its work on special missions and on relations between States and inter-governmental organizations, taking into account the views expressed at the eighteenth session of the General Assembly; (5) request the Secretary-General to forward to the International Law Commission the records of the discussions at the eighteenth session of the General Assembly on the report of the Commission; and (6) further request the Secretary-General to provide the Commission with the necessary technical services referred to in chapter V of its report.

7. Liberia submitted an oral amendment to draft resolution A/C.6/L.529 and Corr.1, entailing the deletion in paragraph 4 (c) of the words "with appropriate reference to the views of States which have achieved independence since the Second World War". This amendment was later withdrawn by the sponsor.

8. The Secretary-General submitted a statement (A/C.6/L.527) on the financial implications of the decision contained in paragraph 72 of the report of the International Law Commission.

DEBATE

9. The representatives who spoke in the debate on this subject congratulated the International Law Commission on the work it had done at its fifteenth session, with regard both to the progress achieved in the codification of the law of treaties and to the measures taken to advance the work on the other matters in the programme which had been assigned priority for codification. Thus it was pointed out that the International Law Commission, conforming to the recent resolutions adopted in that connexion by the General Assembly, had succeeded in reconciling the requirements of the development of international law and its codification with the current interests and aspirations of the international community, thereby considerably helping to strengthen the rule of law in international life, peaceful coexistence and friendly relations among States with different economic and political systems, and international peace and security in accordance with the purposes and principles of the Charter of the United Nations.

1. *Law of treaties*

Part II. Draft articles on the invalidity and termination of treaties

10. As the draft articles on invalidity, suspension and termination of treaties had been submitted to Governments so that they could make such written observations as they considered relevant, most of the representatives emphasized that they would confine themselves to general remarks of a preliminary nature concerning the general structure of the draft and on the text of the articles themselves. Some representatives stressed that Governments should make a careful study of the draft articles, and especially of those provisions which, containing as they did elements for the progressive development of the law of treaties, ought to be accepted as widely as possible.

11. A large majority of representatives considered the draft articles on the invalidity and termination of treaties prepared by the International Law Commission to be generally acceptable, although there was some difference of view with regard to the relevance, interpretation and application of certain specific provisions. Various representatives stated that the draft articles revealed a spirit of conciliation, moderation and realism which was particularly praiseworthy in that the members of the International Law Commission were drawn from countries with different cultures and different juridical, social, economic and political systems.

12. The importance of the draft was stressed by some representatives who pointed out that scrupulous respect for treaties was essential to the maintenance of friendly relations among States and the consolidation of the principles of peaceful coexistence. The International Law Commission, in its draft of the articles on invalidity and termination of treaties, had guaranteed that respect, and at the same time had introduced into the articles the idea of justice. This fact met with general approval. While some representatives emphasized the need to strengthen the principle of *pacta sunt servanda*, with a view to avoiding any weakening of the good faith and confidence which should prevail in relations between States, others laid emphasis rather on the requirement that that principle should be interpreted and applied correctly and should not be converted into something contrary to its true essence. On the same line of reasoning, many representatives thought that unjust or unequal treaties, resulting in many cases from the colonial system, were illegal by their very nature and could not be defended, or continue to be defended, on the principle of *pacta sunt servanda*. Those instruments, either because they contained undertakings incompatible with the sovereign equality of States, or because the conditions under which they had been concluded, vitiated the consent given by one of the parties, were contrary to the fundamental principles of present-day international law and should accordingly be eliminated from international relations.

13. Representatives intervening in the debate commented on almost all the articles of the draft prepared by the International Law Commission. The discussion, however, centred mainly on those dealing with provisions of internal law regarding competence to enter into treaties (article 31); fraud, error and coercion as defects of consent (articles 33-36); peremptory norms of international law (*jus cogens*) (article 37) and fundamental change of circumstances (*rebus sic stantibus*) (article 44). The provisions concerning the denunciation of treaties containing no provisions regarding their termination, denunciation or withdrawal, the termination or suspension of the operation of treaties by agreement (article 40); as a consequence of material breach or because of supervening impossibility of performance (articles 42 and 43); and the procedure for invalidation or termination of a treaty were also debated, though rather less exhaustively. The main trends of opinion concerning all those provisions has been summarized in the paragraphs below.

14. Regarding draft article 31 on provisions of internal law regarding competence to enter into treaties, some representatives expressed the view that internal law should have served as the basis for the drafting of the general rule, since international law did not regulate in detail the question of the formation of State consent, but left that matter to internal law. Certain exceptions should be made in favour of international law, however, in view of the necessity to respect the good faith of the other party or parties, particularly in multilateral treaties where it might be difficult to know the internal law of all the contracting parties. Other representatives pointed out that the article did not accord to internal law the place given it by many international treaties, for instance the Charter of the United Nations in Article 110. It was also stated that the necessity of observing the requirements of internal law should logically be dealt with in those provisions of part I of the draft articles on the law of treaties which related to the conclusion of treaties. Nevertheless, the majority of representatives speaking in the debate took the view that the International Law Commission had reached a reasonable compromise between the principal existing legal theories. Some of those representatives considered that the exception admitted to the general rule should be more clearly defined, since the term "manifest" did not seem to provide a sufficiently objective criterion, and its interpretation and application might in practice give rise to difficulties.

15. The insertion into the draft of articles dealing with fraud and error as defects of consent affecting the binding character of the treaty for a given State was welcomed by most representatives who spoke on the subject, although others voiced doubts about the appropriateness of drawing analogies in that matter between private law and international law. Some also held that fraud ought to cover any "fraudulent act", and that the exceptions admitted to the general rule on error should be formulated with the greatest of care. Lastly, some representatives referred to the relationship that might exist between fraud and error and third States, and others added that it would be well to establish a time-limit within which the injured State could invoke fraud or error.

16. All representatives who commented on the provisions of the draft relating to coercion as a defect of consent felt that the International Law Commission had made an important contribution by distinguishing between the personal coercion of representatives of States (articles 35), traditionally recognized in international law, and the coercion of the State as such by the treat or use of force in violation of the principles of the United Nations Charter (article 36). Regarding the personal coercion of representatives of States (article 35), some representatives took the view that the injured State should be given the option of maintaining the treaty in force if it deemed fit; but that view was considered dangerous, and rejected, by other representatives. Some favoured the inclusion in the text of an explicit reference to threat against members of the families of representatives as a means of coercion.

17. The conclusions reached by the International Law Commission regarding the coercion of the State itself—namely (a) that the invalidity of a treaty procured by the illegal threat or use of force is a principle which is *lex lata* in the international law of today by reason of

the clear-cut prohibition of the threat or use of force in the United Nations Charter, and (b) that the violation of that principle renders the instrument in question void *ab initio*—were considered important achievements of the international community and received general endorsement. Nevertheless, differing opinions were expressed regarding the interpretation of “threat or use of force”. In the view of some representatives that expression should apply only to the threat or use of physical force, while many others held that it should be interpreted as meaning any kind of illegal pressure, whether economic or political. Among the latter group, some felt that the International Law Commission should revise the drafting of the present text of article 36 so as to remove any possible lacuna; others, however, did not consider such redrafting to be necessary. Certain representatives posed the question whether the provision should be interpreted retroactively, and others raised the issue of possible coercion by third States. Lastly, some representatives stressed the particular importance that the provision had for newly independent States, which at times had been constrained to accept certain instruments under political or economic pressures exerted by the former colonial Power.

18. The recognition by the International Law Commission that there exist in the general positive international law of today certain fundamental rules of international public order contrary to which States may not validly contract (*jus cogens*) was considered by all representatives who referred to the matter as being a step of great significance and importance for the progressive development of international law. Traditionally, international public order was a controversial notion, but the evolution of the international community in recent years, above all with the impetus of the Charter, had helped to turn the notion of *jus cogens* into a positive rule of international law. Many representatives pointed out that Article 103 of the Charter, by proclaiming that obligations under the Charter prevailed over obligations under any other international agreement, had aided greatly in creating that rule. Yet, as various representatives stated, its logical consequences had not been recognized, and it was that gap which the International Law Commission had filled by stating that an international treaty was void if it conflicted with a peremptory norm of international law (*jus cogens*). It was held in the debate to be a triumph of technical co-operation among jurists that the difficulty of agreeing on the sources of the rules of *jus cogens* had not prevented the members of the Commission from recognizing its existence. The majority of representatives welcomed the fact that the Commission had not drawn up a list of rules of *jus cogens*, but had left it to State practice and to the jurisprudence of international tribunals to determine those rules. While some representatives expressed concern at the difficulty of identifying the rules of *jus cogens* in practice, others pointed out types of treaties which in their view should be regarded as inconsistent with the rules of *jus cogens*—treaties, for instance, involving the illegitimate use of force, the commission of crimes under international law, the violation of human rights, intervention in the domestic affairs of a State inconsistent with the principles of the sovereign equality of States, and the disregard or violation of the principle of self-determination. A number of representatives added that the General Assembly could aid greatly in determining the rules of *jus cogens* when it examined agenda item 71—“Consideration of principles of international law concerning friendly relations and co-operation among States in accordance with the Charter of the United Nations”. The question was again asked whether the provision drafted by the International Law Commission should or should not have retroactive effect, for if it did the problem of the validity of many existing treaties, especially treaties of peace, would arise. Some representatives remarked on the relative and evolutionary character of *jus cogens* as indicated by the Commission in the provision in article 45 concerning the emergence of a new peremptory norm of international law. In that regard other representatives held that that provision should be subjected to further careful study by the Commission.

19. Many representatives made comments on the provision regarding fundamental change of circumstances as grounds for terminating a treaty (article 44), usually known as the doctrine of *rebus sic stantibus*. Their statements revealed divergencies of view regarding

the advisability of including that provision, the merits of its present wording, and the possible consequences of its application in relation to the other provisions of the draft articles. A considerable number of representatives felt the provision to be useful, appropriate and necessary if international law was to keep pace with the development of the international community. They considered that this was already a principle of international law and that the International Law Commission was right to codify and define it, particularly in view of the fact that in order to prevent abuse, the Commission wisely restricted and regulated its application strictly to the law of treaties. Other representatives were of the opinion that the provision did not exist as a generally accepted rule of international law and that modern international law contained a whole series of positive principles and procedures, which enabled States to free themselves from certain over-rigid obligations without having recourse to the doctrine of *rebus sic stantibus*. Other representatives were opposed to the provision because they felt that it was not worded in a way which would provide sufficient safeguards against subjective interpretations which might introduce an element of instability into international life, and because they felt, in addition, that a provision of that kind should be accompanied by rules of procedure providing for compulsory jurisdiction or, at least, allowing for the application of the principle of good faith. Paragraph 3 (a) of article 44 stating that the provision did not apply to a treaty fixing a boundary was supported by some and criticized by others. Lastly, some representatives suggested that the possibility of examining the matter at a later date in so far as it related to the succession of States should be left open, since a fundamental change of circumstances might in certain cases be the direct consequence of the succession of States.

20. Some representatives expressed agreement with the provision recognizing an implicit right of withdrawal from a treaty which contains no provisions regarding its termination and which does not provide for denunciation or withdrawal unless it appears from the nature of the treaty or the statements of the parties (article 39). Regarding certain types of treaty, such as a treaty of alliance, it was stated, on the one hand, that an implicit right of denunciation should be assumed unless an explicit statement to the contrary was made by the parties, and on the other hand, that if such a right was to be assumed, account should be taken not only of the intentions of the parties, but of all the other circumstances surrounding the conclusion of the treaty. Other representatives expressed apprehension regarding the difficulties of interpreting and applying this provision, particularly if statements made by the parties subsequent to the drafting of the treaty were to be taken into account in determining the intentions of the parties. Lastly, still others held the view that the right to denounce a treaty should be recognized only when it was explicitly provided for in the treaty, for to seek the intentions of the parties in documents other than the treaty itself would open the door to uncertainty with regard to agreements.

21. The provision relating to the termination or suspension of a treaty by subsequent agreement (article 40) was the subject of some criticism from the point of view of the system established for multilateral treaties. Some representatives pointed out that, in its present form, the article seemed to complicate the procedure for terminating treaties by granting an unnecessary privilege to States which take part in drawing up a treaty but do not become parties to it. It was also pointed out that, in any event, if it was considered necessary to include such a provision, the transitional period at the expiry of which the agreement of the parties to the treaty alone would be required should be as short as possible. With regard to that period, it was also pointed out that the clause should be amended so that only the agreement of the States parties to the treaty was required both in the event of expiry of the agreed number of years and, if there was no agreed period, on the expiry of any other period specified in the treaty itself.

22. In connexion with the termination or suspension of the operation of a treaty as a consequence of its breach (article 42), some representatives felt that the International Law

Commission had been right in recognizing the principle of the separability of treaty provisions. Some representatives held the view that, in the case of multilateral treaties, the International Law Commission had not taken account of the fact that many multilateral treaties are essentially bilateral in application and that, therefore, the rules applicable to bilateral treaties should apply in the event of a breach of multilateral treaties. The view was also expressed that in multilateral treaties, the party injured by the breach should be given the right to terminate the treaty, at least after the expiry of a reasonable period.

23. Several representatives felt that the provision on the termination or suspension of the operation of a treaty because of supervening impossibility of performance (article 43) was incomplete. Reference was made to some cases where certain provisions of a treaty involving permanent advantages for one of the parties had been put into effect, and others where the situation making performance impossible had been deliberately created by the party concerned. It was also felt by some representatives that there was a very close link between this provision and the one on fundamental change of circumstances (*rebus sic stantibus*).

24. Many representatives expressed satisfaction at the fact that the draft articles included a provision laying down the procedure for nullifying or terminating treaties designed to provide protection against possible unilateral or arbitrary action. Some representatives regretted that the Commission had not specified the compulsory jurisdiction of the International Court of Justice as a procedure for settling conflicts. Others, on the other hand, commended the Commission for its realistic approach, inasmuch as in confining itself to the procedure for the settlement of disputes laid down in Article 33 of the Charter, it had taken account of the present practice of States.

2. *Action taken by the International Law Commission on other questions under study*

25. All the representatives who spoke on the question expressed their satisfaction at the action taken by the International Law Commission to pursue and speed up its work on those items in its programme to which it had given priority, namely, the law of treaties, State responsibility, the succession of States and Governments, special missions and relations between States and inter-governmental organizations. The appointment of Special Rapporteurs on State responsibility, the succession of States and Governments, and special missions, won general approval. Various representatives stressed the need to establish some degree of co-ordination between the Special Rapporteurs on the law of treaties, State responsibility and the succession of States and Governments, to which the Commission itself had drawn attention in its report.

26. Many representatives expressed their appreciation of the work done by the Sub-Committees on State Responsibility and the Succession of States and Governments, and they approved the general conclusions which the Commission had reached on the basis of the reports submitted on behalf of the Sub-Committees by their Chairmen.

27. Regarding State responsibility, some representatives stated that although they approved the Commission's general conclusions, they still felt that State responsibility for injuries to the persons or property of aliens was the central issue. Nevertheless, some of the representatives who spoke in the debate stressed the need to begin codifying the topic by defining the general rules governing State responsibility. It was believed by some representatives in that connexion that the Commission should study State responsibility for violation of fundamental rules of modern international law, i.e., responsibility for acts prejudicial to the maintenance of international peace and security and peaceful co-existence, for denial of the right of self-determination to colonial peoples and for violation of the principles of the sovereign equality of States and the freedom of States to dispose of their natural resources. In the opinion of some representatives State responsibility raised the question not only of compensation but also of sanctions against the State incurring the responsibility. Finally,

some representatives drew attention to the need to study the problems connected with the penal responsibility of States and the responsibility of international organizations.

28. The Commission's decision to give priority to the succession of States and not to deal with the succession of Governments for the time being, and its decision that succession in relation to treaties should be studied first, as part of the succession of States rather than as part of the law of treaties, received general approval. During the debate several representatives pointed out that the topic was particularly important for States which had just gained their independence. Thus some argued that the succession of States should be studied not merely with regard to the traditional practice of States in the matter, but also, and principally, in the light of the principles of the United Nations Charter and the situation created by the disappearance of the colonial system. Some representatives raised the question of how far new States could be considered as successors to treaty obligations which had been contracted by the Powers administering their territories before their independence and to which they had thus not freely consented.

29. Several representatives expressed their satisfaction at the fact that the Commission had already begun a general debate on the first report submitted by the Special Rapporteur on relations between States and inter-governmental organizations (A/CN.4/161 and Add.1) and emphasized the importance they attached to the study of the question by the Commission.

30. Finally, some representatives expressly indicated their agreement with the approach to the codification of the topic of special missions referred to in chapter IV of the Commission's report (A/5509).

3. Programme of work and date of the next session of the International Law Commission

31. During the debate several representatives expressed their approval of the programme of work adopted by the Commission for 1964 (see A/5509, chap. V). Nevertheless, as regards the proposal to hold a three-week winter session from 6 to 24 January 1964 devoted specifically to consideration of the draft articles being prepared by the Special Rapporteur on special missions, some speakers urged that the financial implications of such a session and the administrative difficulties it would entail (see A/C.6/L.527) should be taken into account.

32. At the 792nd meeting, on 17 October 1963, the Legal Counsel informed the Sixth Committee that in view of the fact that the Special Rapporteur for special missions had indicated that he would not be able to deliver his 150-page report to the Secretariat before 10 December 1963, the French text of the report would not be available at the European Office of the United Nations, Geneva before 6 January 1964 and the Spanish and English texts could not be circulated before 30 January 1964. In the circumstances the Secretariat could not recommend to the Fifth and Sixth Committees that \$67,300 should be allocated for a winter session which might prove pointless. If the Commission decided at its sixteenth regular session to prolong that session by two weeks, the Secretariat would take steps to request the funds necessary for the two extra weeks.

33. The Legal Counsel also stated that consideration had been given to the possibility of postponing the opening of the proposed winter session in order to give time for the Special Rapporteur's report on special missions to be prepared and distributed, but that it was impracticable because some members of the International Law Commission could not attend a winter session beginning later than scheduled and because the 1964 time-table of United Nations meetings was so crowded that the Secretariat might not be able to provide the necessary facilities.

34. Because of the difficulties mentioned by the Legal Counsel, the view was advanced that it would be preferable to cancel the proposed 1964 winter session, and approval was expressed of the operative paragraph of the draft resolution (A/C.6/L.529 and Corr.1) concerning the Commission's 1964 work programme subject to that reservation.

4. *Other decisions and conclusions of the Commission*

35. With regard to co-operation by the Commission with other bodies, many representatives noted with satisfaction that the Commission had decided to be represented by its Chairman at the next session of the Asian-African Legal Consultative Committee.

36. Several representatives voiced their satisfaction at the considerable improvement in the facilities made available to the Commission for the publication and translation of documents and summary records and expressed the hope that there would be further improvement with regard to the delay in the translation of documents into Spanish.

VOTING

37. At its 793rd meeting, on 15 October 1963, the Sixth Committee unanimously approved draft resolution A/C.6/529 and Corr.1.

Recommendation of the Sixth Committee

38. The Sixth Committee therefore recommends that the General Assembly should adopt the following draft resolution:

[*Text adopted by the General Assembly without change. See "Resolution adopted by the General Assembly" below.*]

(b) Resolution adopted by the General Assembly

At its 1258th plenary meeting, on 18 November 1963, the General Assembly adopted the draft resolution submitted by the Sixth Committee, (para. 38 above). For the final text, see resolution 1902 (XVIII) below

1902 (XVIII). Report of the International Law Commission.

The General Assembly,

Having considered the report of the International Law Commission on the work of its fifteenth session (A/5509),

Recalling resolution 1765 (XVII) of 20 November 1962, by which the Assembly recommended that the Commission should continue its work of codification and progressive development of the law of treaties and its work on State responsibility and on the succession of States and Governments,

Emphasizing the need for the further codification and progressive development of international law with a view to making it a more effective means of implementing the purposes and principles set forth in Articles 1 and 2 of the Charter of the United Nations,

Noting that the work of codification of the topics of State responsibility, the succession of States and Governments, special missions and relations between States and inter-governmental organizations is proceeding satisfactorily, as set forth in chapter IV of the report of the Commission,

1. *Takes note* of the report of the International Law Commission on the work of its fifteenth session;

2. *Expresses appreciation* to the Commission for the work accomplished at its fifteenth session, especially with regard to the law of treaties;

3. *Notes with approval* the programme of work for 1964 proposed by the Commission in its report;

4. *Recommends* that the Commission should:

(a) Continue the work of codification and progressive development of the law of treaties, taking into account the views expressed at the eighteenth session of the General Assembly and the comments which may be submitted by Governments, in order that the law of treaties may be placed upon the widest and most secure foundations;

(b) Continue its work on State responsibility, taking into account the views expressed at the eighteenth session of the General Assembly and the report of the Sub-Committee on State Responsibility (*ibid.*, annex I), and giving due consideration to the purposes and principles enshrined in the Charter of the United Nations;

(c) Continue its work on the succession of States and Governments, taking into account the views expressed at the eighteenth session of the General Assembly, the report of the Sub-Committee on the Succession of States and Governments (*ibid.*, annex II) and the comments which may be submitted by Governments, with appropriate reference to the views of States which have achieved independence since the Second World War;

(d) Continue its work on special missions and on relations between States and inter-governmental organizations, taking into account the views expressed at the eighteenth session of the General Assembly;

5. *Requests* the Secretary-General to forward to the International Law Commission the records of the discussions at the eighteenth session of the General Assembly on the report of the Commission;

6. *Further requests* the Secretary-General to provide the International Law Commission with the necessary technical services referred to in chapter V of its report.

*1258th plenary meeting
18 November 1963*

5. QUESTION OF EXTENDED PARTICIPATION IN GENERAL MULTILATERAL TREATIES CONCLUDED UNDER THE AUSPICES OF THE LEAGUE OF NATIONS (AGENDA ITEM 70)

(a) Report of the Sixth Committee¹

*[Original text: Spanish and Russian]
[8 November 1963]*

INTRODUCTION

1. At its seventeenth session the General Assembly, having considered chapter II of the report of the International Law Commission covering the work of its fourteenth session,² which contained draft articles and commentaries on the conclusion, entry into force and registration of treaties, adopted on 20 November 1962 resolution 1766 (XVII), on the participation of new States in the general multilateral treaties mentioned in paragraph (10) of the commentary to articles 8 and 9 of the draft articles on the conclusion, entry into force and registration of treaties, drawn up by the International Law Commission.³ The operative

¹ Document A/5602, reproduced from *Official Records of the General Assembly, Eighteenth Session, Annexes*, agenda item 70.

² *Official Records of the General Assembly, Seventeenth Session, Supplement No. 9.*

³ *Ibid.*, *Seventeenth Session, Annexes*, agenda item 76, document A/5287.

part of resolution 1766 (XVII), entitled "Question of extended participation in general multilateral treaties concluded under the auspices of the League of Nations", stated the following:

"1. *Requests* the International Law Commission to study further the question of extended participation in general multilateral treaties concluded under the auspices of the League of Nations, giving due consideration to the views expressed during the discussions at the seventeenth session of the General Assembly, and to include the results of the study in the report of the Commission covering the work of its fifteenth session;

"2. *Decides* to place on the provisional agenda of its eighteenth session an item entitled 'Question of extended participation in general multilateral treaties concluded under the auspices of the League of Nations'."

2. In compliance with operative paragraph 1 of the above resolution, the International Law Commission considered the question and reached a series of conclusions, which appear in chapter III of the report on the work of its fifteenth session (A/5509, paras. 18-50).

3. At its 1210th plenary meeting, held on 20 September 1963, the General Assembly decided to include the item entitled "Question of extended participation in general multilateral treaties concluded under the auspices of the League of Nations" in the agenda of its eighteenth session and to allocate that item to the Sixth Committee.

4. The Sixth Committee considered that agenda item at its 794th to 802nd meetings, held from 16 to 29 October 1963.

PROPOSAL AND AMENDMENTS

5. Australia, Ghana, Greece, Guatemala, Indonesia, Mali, Morocco, Nigeria and Pakistan submitted a draft resolution (A/C.6/L.532), under which the General Assembly would: (1) decide that the General Assembly is the appropriate organ of the United Nations which should exercise the power conferred by multilateral treaties of a technical and non-political character on the Council of the League of Nations to invite States to accede to those treaties; (2) record that those Members of the United Nations which are parties to the treaties referred to above assent, by this resolution, to the decision in the preceding paragraph and express their resolve to use their good offices to secure the co-operation of the other parties to the treaties so far as this may be necessary; (3) request the Secretary-General (*a*) as depositary of the treaties referred to above, to bring to the notice of any party which is not a Member of the United Nations the terms of the present resolution; (*b*) to transmit copies of the present resolution to Members of the United Nations which are parties to these treaties; (*c*) to consult, where necessary, with the States referred to in sub-paragraphs (*a*) and (*b*) of this paragraph as to whether any of the treaties in question have ceased to be in force, have been superseded by later treaties, have otherwise ceased to be of interest for accession by additional States, or required action to adapt them to contemporary conditions; (*d*) to report on these matters to the General Assembly at its nineteenth session; (4) further request the Secretary-General to invite which, otherwise, is not eligible to become a party to the treaties in question, to accede thereto by depositing an instrument of accession with the Secretary-General of the United Nations; (5) decide to place on the provisional agenda of its nineteenth session an item entitled: "General multilateral treaties concluded under the auspices of the League of Nations".

6. At the 801st meeting, the co-sponsors of draft resolution A/C.6/L.532 accepted a suggestion made by the representative of Poland at the 797th meeting and accordingly amended operative paragraph 3 (*c*) of the draft resolution to read: "to consult, where necessary, with the States referred to in sub-paragraphs (*a*) and (*b*) of this paragraph and

with the United Nations organs and the specialized agencies concerned as to whether any of the treaties in question. . .”.

7. Ghana, Indonesia, Mali, Morocco and Nigeria submitted an amendment (A/C.6/L.533 and Corr. 1 and 2) to resolution A/C.6/L.532 proposing that operative paragraph 4 of the draft resolution should be completed by the insertion of the words “. . .any State. . .”.

8. Australia, Greece and Guatemala submitted an amendment (A/C.6/L.534) to draft resolution A/C.6/L.532 designed to complete the text of operative paragraph 4 of the draft resolution by the addition of the words “. . .each State Member of the United Nations or of a specialized agency. . .”.

9. Colombia, Congo (Leopoldville), Jamaica and Nicaragua submitted a further amendment (A/C.6/L.536 and Add.1) to draft resolution A/C.6/L.532. Under this amendment operative paragraph 4 of the draft resolution would be completed by the insertion of the following phrase: “each State which is a Member of the United Nations or of a specialized agency or a Party to the Statute of the International Court of Justice, or has been designated for this purpose by the General Assembly, and. . .”. At the 800th meeting Australia, Greece and Guatemala withdrew their amendment (A/C.6/L.534) in favour of the amendment in document A/C.6/L.536 and Add.1.

10. At the 801st meeting, Ceylon submitted an oral amendment to draft resolution A/C.6/L.532 for the deletion of operative paragraph 4 of the draft resolution.

11. The Secretary-General submitted a note (A/5528), for the convenience of delegations, reproducing the relevant parts of the summary records of the 712th and 713th meetings of the International Law Commission, at which the question of extended participation in general multilateral treaties concluded under the auspices of the League of Nations had been discussed.

DEBATE

12. The Committee discussed the merits of draft resolution A/C.6/L.532 and of the amendments. This draft resolution was based, generally speaking, on the conclusions reached by the International Law Commission.

13. All the representatives who spoke in the debate expressed warm approval for the ultimate aim of the draft resolution, namely the participation of new States in multilateral treaties of a technical and non-political character concluded under the auspices of the League of Nations, which had become closed as a result of the demise of the League. Many representatives pointed out that it could be inferred from the participation clauses in those treaties that it had been the intention of the parties that they should be open treaties and that only an event foreign to the wishes of the parties had changed them into closed treaties. Some representatives observed that wider participation in those treaties would be in the general interests of the international community and would at the same time strengthen the principle of the sovereign equality of all States.

14. The representatives who spoke in the debate also approved of the procedure proposed in draft resolution A/C.6/L.532, though a number of them expressed doubts about the relevance of some of the provisions to the aim in view. For example, various representatives wondered what would happen if one or more of the parties to the treaties voted against the draft resolution or abstained in the vote. The sponsors of the draft resolution expressed the hope that there would be no opposition to it and said that if there were any abstentions an effort would have to be made to induce the States in question to change their attitude. It was pointed out that the procedure of a protocol of amendment would not rule out the possibility of one or more of the States Parties objecting to the amendment of the participation clauses.

15. Some representatives expressed the view that the procedure proposed in the draft resolution would not ensure participation in the twenty-one treaties by the States referred to in the draft resolution's preamble. What was needed in many of those treaties, they held, was not mere adaptation of the participation clauses to enable the United Nations to assume the functions of the League of Nations, but revision of those clauses in order to renew a possibility which had ceased to exist long before the demise of the League. In accordance with that interpretation of the participation clauses of a number of treaties, those treaties had become closed before the dissolution of the League of Nations; the United Nations General Assembly could not exercise powers which the Council of the League had no longer possessed at the time of the League's dissolution. Accordingly, to enable the new States to accede to those treaties it would be necessary to adopt the procedure of an amending protocol. In the resolution approving the protocol, the General Assembly could also request the States Parties to the treaties to sign the protocol and put it into effect without delay. Other representatives took the view that under a more liberal interpretation of the participation clauses of the treaties it might be considered that the powers of the Council of the League of Nations had not been limited in time. Lastly, some representatives held that the possible need to revise some treaties through an amending protocol should not impede the adoption of draft resolution A/C.6/L.532. If in the course of time it proved necessary to employ the protocol procedure in certain cases, there was nothing to prevent that being done. In the meantime there should be no obstacle to the immediate participation by new States in those treaties to which accession would be made feasible simply by the adoption of the draft resolution.

16. Some representatives pointed out that the procedure proposed in the draft resolution might open the treaties to accession but not necessarily to effective participation by new States, since a resolution of the General Assembly could not bind States Parties in that respect. Those representatives took the view that draft resolution A/C.6/L.532 would be a temporary measure which might later yield positive results, depending on the outcome of the consultations requested of the Secretary-General. Other representatives expressed satisfaction at the conclusion reached by the International Law Commission to the effect that the special form of the participation clauses of the treaties appeared to diminish the force of the possible constitutional difficulties which some representatives had pointed out when the Sixth Committee had discussed the question at the seventeenth session.

17. As to the force and interest of the treaties in the present circumstances, the sponsors of the draft resolution considered that, although some of them were clearly in full effect and were of real and current interest to States, others might have ceased to be in force or lost their value or they might have been superseded by later treaties, or need to be adapted to the contemporary conditions of the world community. Therefore, the Secretary-General should consult the parties only where the state of the treaties seemed dubious, while in the remaining cases accessions of new States could be recorded immediately. Some representatives stated that it was illogical to seek the assent *in abstracto* of States Parties to the treaties without first studying the nature of the treaties in the light of contemporary conditions in order to determine whether they were of interest to new States. Others suggested that this need to study the treaties, coupled with the fact that the question was not especially urgent, made it advisable to examine the treaties before inviting new States to accede to them. Lastly, certain representatives expressed the opinion that the review should not be limited to the closed treaties but should also cover the treaties which did not have restrictive participation clauses. Such open treaties as were of interest to the new States and the international community should be brought up to date in their turn. The co-sponsors explained that no League of Nations function had ever existed in relation to these treaties and that, as there was nothing which could be transferred to the United Nations, it would not have been appropriate to include them in the draft resolution.

18. The paragraph of draft resolution A/C.6/L.532 which gave rise to the greatest amount of controversy was the one concerning the States that should be invited to accede to the treaties under consideration. Some representatives held that all States should be so invited (A/C.6/L.533 and Corr. 1 and 2). They stressed the desirability and necessity of reaffirming the principle of universality with regard to participation in general multilateral treaties; the participation of all States in such treaties, specially those of a technical and non-political character, was an inherent right of the State deriving from the principle of the sovereign equality of all States and its disregard was detrimental to peaceful world-wide co-operation and to the progressive development of international law. The adoption of formulae discriminating against certain States was inadmissible, contrary to the true interest of the United Nations and incompatible with the Purposes and Principles of the Charter and with the rules of general international law. In support of this point of view it was argued that the principle in question had been recognized in the Treaty banning nuclear weapon tests in the atmosphere, in outer space and under water, signed at Moscow on 5 August 1963, in several resolutions of the General Assembly concerning the restoration of law and order in the Republic of the Congo (Leopoldville), such as resolution 1474 (ES-IV), and in article 8 of the International Law Commission's draft on the conclusion, entry into force and registration of treaties.

19. Other representatives took the view that, in accordance with the practice followed up to the present by the United Nations, an invitation should be extended only to States Members of the United Nations or of the specialized agencies (A/C.6/L.534). Some of those representatives held that the right of all States to participate in general multilateral treaties was not an established rule of international law and that there was nothing contrary to international law in defining the States which might accede to a treaty. Moreover, an invitation extended to all States would make it impossible for some States Parties to the treaties to agree to the procedure proposed in the nine-Power draft resolution, thus defeating its purpose. It was also argued that a decision to invite all States to participate would place the Secretary-General in a position where he would be forced to refer the matter back to the General Assembly with a request for an exhaustive list of the States eligible to become parties to the treaties. Speaking on behalf of the Secretary-General, the Legal Counsel stressed that the Secretary-General could not undertake to decide which entities not Members of the United Nations or the specialized agencies were States, and thus would require specific instructions from the General Assembly in that regard. Lastly, it was said that the Sixth Committee should refrain from deciding political issues which went beyond its competence. Those representatives considered that neither the Moscow Treaty, nor the General Assembly resolutions regarding the restoration of law and order in the Republic of the Congo (Leopoldville), nor yet article 8 of the International Law Commission's draft on the conclusion, entry into force and registration of treaties, justified the adoption of the "all States" formula.

20. Some representatives favouring an invitation to all States pointed out that in the case of open treaties for which the Secretary-General acted as depositary nothing prevented entities purporting to be States from acceding to the treaties. Other representatives taking the same position stated that it was illogical to limit accession to States Members of the United Nations or of the specialized agencies since that formula would be more restrictive than was desired by the parties to the treaties in question; the treaties authorized the Council of the League of Nations to invite the participation of States which were not Members of the League.

21. Some representatives considered that, in principle, general multilateral treaties should be regarded as open except where the parties to it declared the contrary. The consent of the parties was necessary since the principle of the sovereignty of States would be impaired by attempts to impose on a State the recognition of another State through accession to a treaty. Others stated, on the contrary, that a State was free to recognize another or not,

but that it could not deny its existence as a State and consequently its right to participate in general multilateral treaties.

22. In view of the difference of views, some representatives proposed that the decision on which States were to be invited to accede to the treaties should be postponed until the nineteenth session of the General Assembly. Other representatives opposed that proposal. Finally, the Committee decided in favour of the formula proposed in the amendment in document A/C.6/L.536 and Add.1, which was based in particular on the relevant provisions of the 1961 Vienna Convention on Diplomatic Relations⁴ and the 1963 Vienna Convention on Consular Relations.⁵ The formula proposed in the amendment was considered by some representatives to be a genuine compromise. Others, however, thought that in practice it did no more than perpetuate the discrimination against certain States. Finally, some representatives stated that although in the present circumstances the formula in question would continue to restrict participation in general multilateral treaties, it nevertheless meant some progress, since it authorized the General Assembly to invite any State which was not a member of the United Nations or of a specialized agency or a party to the Statute of the International Court of Justice.

23. Some representatives stated that the solution adopted on the question of extended participation in treaties concluded under the auspices of the League of Nations did not in any way prejudice the solution to be adopted in due course in the question of the succession of States and Governments. Finally, some representatives reserved the position of their Governments on the question of what measures might be taken in the future with regard to the substance of the treaties in question.

VOTING

24. At its 801st meeting, on 28 October 1963, the Sixth Committee adopted by 35 votes to 33, with 17 abstentions, a motion for closure of the debate made by the representative of Lebanon. The Committee then proceeded to vote on draft resolution A/C.6/L.532 as orally revised by its sponsors and the amendments to it. The result of the voting was as follows:

(a) The oral amendment by Ceylon proposing the deletion of operative paragraph 4 of the draft resolution (A/C.6/L.532) was rejected in a roll-call vote by 40 votes to 39, with 12 abstentions. The result of the voting was as follows:

In favour: Afghanistan, Albania, Algeria, Bulgaria, Burma, Byelorussian Soviet Socialist Republic, Cambodia, Ceylon, Cuba, Czechoslovakia, Dahomey, Ethiopia, Ghana, Guinea, Hungary, India, Indonesia, Iraq, Ivory Coast, Lebanon, Madagascar, Mali, Mauritania, Mongolia, Morocco, Niger, Nigeria, Poland, Romania, Sierra Leone, Sudan, Syria, Tanganyika, Togo, Tunisia, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Republic, Yugoslavia.

Against: Argentina, Australia, Austria, Belgium, Brazil, Cameroon, Canada, Chad, Chile, China, Colombia, Costa Rica, Denmark, Ecuador, France, Greece, Guatemala, Iceland, Iran, Ireland, Israel, Italy, Jamaica, Japan, Liberia, Luxembourg, Malaysia, Netherlands, New Zealand, Nicaragua, Panama, Peru, Philippines, Spain, Sweden, Thailand, Turkey, United Kingdom of Great Britain and Northern Ireland, United States of America, Venezuela.

Abstaining: Central African Republic, Cyprus, Finland, Jordan, Kuwait, Libya, Mexico, Norway, Saudi Arabia, Uganda, Upper Volta, Yemen.

⁴ See *United Nations Conference on Diplomatic Intercourse and Immunities, Official Records, Volume II, Annexes* (United Nations publication, Sales No. : 62.X.1).

⁵ See *United Nations Conference on Consular Relations, Official Records, Volume II, Annexes* (United Nations publication, Sales No. : 63.X.2).

(b) The amendment (A/C.6/L.533 and Corr. 1 and 2) submitted by Ghana, Indonesia, Mali, Morocco and Nigeria was rejected in a roll-call vote by 42 votes to 38, with 10 abstentions. The result of the voting was as follows:

In favour: Afghanistan, Albania, Algeria, Bulgaria, Byelorussian Soviet Socialist Republic, Cambodia, Central African Republic, Ceylon, Chad, Cuba, Czechoslovakia, Ethiopia, Ghana, Guinea, Hungary, India, Indonesia, Iraq, Ivory Coast, Mali, Mauritania, Mongolia, Morocco, Niger, Nigeria, Poland, Romania, Sierra Leone, Sudan, Syria, Tanganyika, Tunisia, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Republic, Upper Volta, Yemen, Yugoslavia.

Against: Argentina, Australia, Austria, Belgium, Brazil, Canada, Chile, China, Colombia, Costa Rica, Dahomey, Denmark, Ecuador, Finland, France, Greece, Guatemala, Iceland, Iran, Ireland, Israel, Italy, Jamaica, Japan, Liberia, Luxembourg, Madagascar, Malaysia, Netherlands, New Zealand, Nicaragua, Norway, Panama, Peru, Philippines, Spain, Sweden, Thailand, Turkey, United Kingdom of Great Britain and Northern Ireland, United States of America, Venezuela.

Abstaining: Burma, Cyprus, Jordan, Kuwait, Lebanon, Libya, Mexico, Saudi Arabia, Togo, Uganda.

(c) The amendment (A/C.6/L.536 and Add.1) submitted by Colombia, Congo (Leopoldville), Jamaica and Nicaragua was adopted by 57 votes to 12, with 14 abstentions.

(d) Operative paragraph 4 of draft resolution A/C.6/L.532 as completed by the amendment (A/C.6/L.536 and Add.1) was adopted by 63 votes to 10, with 15 abstentions.

(e) Draft resolution A/C.6/L.532, as a whole, as orally revised by its sponsors and completed by the amendment (A/C.6/L.536 and Add.1) was adopted by 69 votes to none, with 22 abstentions.

Recommendation of the Sixth Committee

25. The Sixth Committee therefore recommends that the General Assembly adopt the following draft resolution:

[*Text adopted by the General Assembly without change. See "Resolution adopted by the General Assembly" below.*]

(b) Resolution adopted by the General Assembly

At its 1259th plenary meeting, on 18 November 1963, the General Assembly adopted the draft resolution submitted by the Sixth Committee (para. 25 above), after having rejected, at the same meeting, an amendment submitted by Ceylon and Ghana (A/L.431/Rev.1) and one submitted by Czechoslovakia (A/L.432). For the final text, see resolution 1903 (XVIII) below.

1903 (XVIII). Participation in general multilateral treaties concluded under the auspices of the League of Nations

The General Assembly,

Having considered the question of extended participation in general multilateral treaties concluded under the auspices of the League of Nations, and the report of the International Law Commission thereon (A/5509),

Noting that there are twenty-one such treaties of a technical and non-political character which by their terms authorized the Council of the League of Nations to invite additional States to become parties, and thus were not intended to be closed to new States,

Further noting that since the Council of the League ceased to exist a large number of new States have come into being and that many of them have been unable to become parties to the treaties in question through lack of an invitation to accede,

Recalling the recommendation made by the Assembly of the League of Nations at its final session, that its Members should facilitate in every way the assumption by the United Nations of functions and powers entrusted to the League of Nations under international agreements of a technical and non-political character,⁶

Further recalling that the General Assembly, in resolution 24 (I) of 12 February 1946, declared that the United Nations was willing in principle to assume the exercise of certain functions and powers previously entrusted to the League of Nations under international agreements,

1. *Decides* that the General Assembly is the appropriate organ of the United Nations to exercise the power conferred by multilateral treaties of a technical and non-political character on the Council of the League of Nations to invite States to accede to those treaties;

2. *Records* that those Members of the United Nations which are parties to the treaties referred to above assent by the present resolution to the decision set forth in paragraph 1 above and express their resolve to use their good offices to secure the co-operation of the other parties to the treaties so far as this may be necessary;

3. *Requests* the Secretary-General:

(a) As depositary of the treaties referred to above, to bring to the notice of any party which is not a Member of the United Nations the terms of the present resolution;

(b) To transmit copies of the present resolution to States Members of the United Nations which are parties to those treaties;

(c) To consult, where necessary, with the States referred to in sub-paragraphs (a) and (b) above, and with the United Nations organs and the specialized agencies concerned as to whether any of the treaties in question have ceased to be in force, have been superseded by later treaties, have otherwise ceased to be of interest for accession by additional States, or require action to adapt them to contemporary conditions;

(d) To report on these matters to the General Assembly at its nineteenth session;

4. *Further requests* the Secretary-General to invite each State which is a Member of the United Nations or member of a specialized agency or a party to the Statute of the International Court of Justice, or has been designated for this purpose by the General Assembly, and which otherwise is not eligible to become a party to the treaties in question, to accede thereto by depositing an instrument of accession with the Secretary-General of the United Nations;

5. *Decides* to place on the provisional agenda of its nineteenth session an item entitled "General multilateral treaties concluded under the auspices of the League of Nations".

*1259th plenary meeting
18 November 1963*

⁶ League of Nations *Official Journal, Special Supplement No. 194*, p. 57 (resolution of 18 April 1946).

6. CONSIDERATION OF PRINCIPLES OF INTERNATIONAL LAW CONCERNING FRIENDLY RELATIONS AND CO-OPERATION AMONG STATES IN ACCORDANCE WITH THE CHARTER OF THE UNITED NATIONS (AGENDA ITEM 71)

(a) Report of the Sixth Committee¹

[Original text: French and Russian]
[13 December 1963]

INTRODUCTION

1. At its seventeenth session the General Assembly adopted, on 18 December 1962, resolution 1815 (XVII) entitled "Consideration of principles of international law concerning friendly relations and co-operation among States in accordance with the Charter of the United Nations".

2. The operative part of that resolution read as follows:

"The General Assembly,
"...

"1. *Recognizes* the paramount importance, in the progressive development of international law and in the promotion of the rule of law among nations, of the principles of international law concerning friendly relations and co-operation among States and the duties deriving therefrom, embodied in the Charter of the United Nations which is the fundamental statement of those principles, notably:

"(a) 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;

"(b) The principle that States shall settle their international disputes by peaceful means in such a manner that international peace and security and justice are not endangered;

"(c) The duty not to intervene in matters within the domestic jurisdiction of any State, in accordance with the Charter;

"(d) The duty of States to co-operate with one another in accordance with the Charter;

"(e) The principle of equal rights and self-determination of peoples;

"(f) The principle of sovereign equality of States;

"(g) The principle that States shall fulfil in good faith the obligations assumed by them in accordance with the Charter;

"2. *Resolves* to undertake, pursuant to Article 13 of the Charter, a study of the principles of international law concerning friendly relations and co-operation among States in accordance with the Charter with a view to their progressive development and codification, so as to secure their more effective application;

"3. *Decides accordingly* to place the item entitled 'Consideration of principles of international law concerning friendly relations and co-operation among States in accordance with the Charter of the United Nations' on the provisional agenda of its eighteenth session in order to study:

"(a) 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;

¹ Document A/5671, reproduced from *Official Records of the General Assembly, Eighteenth Session, Annexes*, agenda item 71.

“(b) The principle that States shall settle their international disputes by peaceful means in such a manner that international peace and security and justice are not endangered;

“(c) The duty not to intervene in matters within the domestic jurisdiction of any State, in accordance with the Charter;

“(d) The principle of sovereign equality of States;

and to decide what other principles are to be given further consideration at subsequent sessions and the order of the priority;

“4. *Invites* Member States to submit in writing to the Secretary-General, before 1 July 1963, any views or suggestions that they may have on this item, and particularly on the subjects enumerated in paragraph 3 above, and requests the Secretary-General to communicate these comments to Member States before the beginning of the eighteenth session.”

3. In accordance with operative paragraph 3 of resolution 1815 (XVII) the General Assembly, at its 1210th plenary meeting held on 20 September 1963, placed the item entitled “Consideration of principles of international law concerning friendly relations and co-operation among States in accordance with the Charter of the United Nations” on the agenda of its eighteenth session and referred it to the Sixth Committee.

4. The Sixth Committee considered that agenda item at its 802nd to 825th meetings, from 29 October to 3 December, at its 829th meeting and at its 831st to 834th meetings, on 6, 9, 10 and 11 December 1963.

5. In accordance with operative paragraph 4 of resolution 1815 (XVII), eighteen Member States submitted in writing their views and suggestions on that item. The replies were published in documents A/5470 and Add.1 and 2.

6. A resolution entitled “Reduction of tensions and promotion of goodwill and mutual understanding; progressive development of international law,” adopted by the Eighteenth Plenary Assembly of the World Federation of United Nations Associations held at New York from 9 to 14 September 1963, was circulated under the symbol A/C.6/L.535.

7. A selection of documents prepared by the Secretariat was circulated under the symbol A/C.6/L.537.

PROPOSALS AND AMENDMENTS

8. Czechoslovakia submitted a working paper (A/C.6/L.528). That document provided for the establishment of two working groups after a general discussion of the principles enumerated in resolution 1815 (XVII): one to prepare a preliminary draft of the four principles in operative paragraph 3 of the resolution; the other to compile a list of other principles which should be given further consideration. The Czechoslovak working paper also suggested that the Committee should consider what additional measures could be taken to expedite the whole operation with a view to completing it, if possible, at the General Assembly’s nineteenth session.

9. Another working paper was submitted by Australia, Canada, Denmark, France, Malaysia and the United Kingdom of Great Britain and Northern Ireland (A/C.6/L.531 and Corr.1). According to that working paper, the Committee would decide to study in turn each of the four topics enumerated in operative paragraph 3 of the resolution, without commitment at that stage as to the formulation of the results of that study, and would wait until its work was more advanced before deciding what further topics were to be added to its agenda.

10. A draft resolution (A/C.6/L.538 and Corr.1) was submitted by Afghanistan, Algeria, Burma, Cambodia, Cameroon, Ceylon, Cyprus, Ethiopia, Ghana, Guinea, India, Indonesia, Mali, Morocco, Nigeria, Somalia, Syria, Tanganyika, the United Arab Republic

and Yugoslavia. They proposed, *inter alia*, the establishment of a special committee which would begin its meetings in the course of the current session with a view to drawing up proposals for the progressive development and codification of the four principles enumerated in resolution 1815 (XVII). The committee would report to the Assembly at its nineteenth session, when the Assembly would also consider the three principles in operative paragraph 1 of resolution 1815 (XVII), which had not been referred to it at the current session.

11. Another draft resolution (A/C.6/L.539) was submitted by Bolivia, Colombia, Costa Rica, Ecuador, El Salvador, Guatemala, Nicaragua, Peru and Venezuela. That resolution also called for the establishment of a special committee to study the four principles, but recommended that it should be composed of jurists of recognized competence in international law. It would start its work as soon as possible and report to the General Assembly at its nineteenth session.

12. Draft resolutions A/C.6/L.538 and Corr.1 and A/C.6/L.539 were later combined in a single text (A/C.6/L.541 and Corr.1 and Add.1 and 2) submitted by the co-sponsors of the two above-mentioned drafts together with Brazil, Chile, Iraq, Lebanon, Liberia, Mauritania, Mexico, Niger, Panama, Philippines, Sierra Leone, Thailand and Togo.

13. That draft resolution read as follows:

“The General Assembly,

“Bearing in mind paragraph 1 a of Article 13 of the Charter of the United Nations,

“Recalling its resolutions 1505 (XV) of 12 December 1960, 1686 (XVI) of 18 December 1961, and 1815 (XVII) of 18 December 1962, which affirm the importance of encouraging the progressive development of international law and its codification and making it a more effective means of furthering the purposes and principles set forth in Articles 1 and 2 of the Charter of the United Nations,

“Having decided in operative paragraph 2 of resolution 1815 (XVII) to undertake, pursuant to Article 13 of the Charter, a study of the principles of international law concerning friendly relations and co-operation among States in accordance with the Charter with a view to their progressive development and codification, so as to secure their more effective application, and accordingly to study at the eighteenth session the four principles enumerated in paragraph 3 thereof;

“1. Decides to establish a special committee of Member States to be appointed by the President of the General Assembly, taking into consideration the principle of equitable geographical representation and the necessity that the principal legal systems of the world should be represented, for the purpose of drawing up a report containing recommendations for the progressive development and codification of the four principles so as to secure their more effective application, taking into account in particular:

“(a) The practice of the United Nations and of States in the application of the principles established in the Charter;

“(b) The comments of Governments on this subject, in accordance with operative paragraph 4 of resolution 1815 (XVII);

“(c) The views and suggestions advanced by the representatives of Member States during the seventeenth and eighteenth ordinary sessions of the General Assembly;

“2. Recommends the Governments of the States designated members of the Special Committee, in view of the general importance and the technical aspect of the item, to appoint jurists as their representatives on the said committee;

“3. Requests the Special Committee to start its work as soon as possible and to submit its report to the General Assembly at its nineteenth session;

“4. *Requests* the Secretary-General to co-operate with the Special Committee in its work, and to provide all the services and facilities necessary for its meetings, including: (a) a systematic summary of the comments, statements, proposals and suggestions of Member States on this item, (b) a systematic summary of the practice of the United Nations and of views expressed by Member States in the United Nations in respect of the four principles, (c) such other material as he deems relevant;

“5. *Decides* to place the item entitled ‘Consideration of principles of international law concerning friendly relations and co-operation among States in accordance with the Charter of the United Nations’ on the provisional agenda of its nineteenth session in order first to consider the report of the Special Committee and secondly, to study in accordance with operative paragraphs 2 and 3 (d) of resolution 1815 (XVII) the following principles:

“(a) The duty of States to co-operate with one another in accordance with the Charter;

“(b) The principle of equal rights and self-determination of peoples;

“(c) The principle that States shall fulfil in good faith the obligations assumed by them in accordance with the Charter;

“6. *Invites* Member States to submit in writing to the Secretary-General, before 1 July 1964, any views or suggestions that they may have on the principles enumerated in paragraph 5 above and further urges those Member States which have not already done so to submit by that date their views in accordance with operative paragraph 4 of resolution 1815 (XVII);

“7. *Requests* the Secretary-General to communicate the comments requested in subparagraph (a) above to Member States before the beginning of the nineteenth session.”

14. Australia, Greece, Italy, Norway, Turkey, the United Kingdom of Great Britain and Northern Ireland and the United States of America submitted the following amendments (A/C.6/L.542) to draft resolution A/C.6/L.541 and Corr.1 and Add.1 and 2:

“1. Insert as a new first preambular paragraph:

“‘*Convinced* of the paramount importance of the Charter in the progressive development of international law and in the promotion of the rule of law among nations’.

“2. Substitute a comma for the colon appearing at the end of the third preambular paragraph and add, as a final preambular paragraph:

“‘*Considering* that the study contemplated has been initiated by the Sixth Committee at its eighteenth session and that the subsequent debate has made a useful contribution to that study’.

“3. In operative paragraph 1, replace the words:

“‘for the purpose of drawing up a report containing recommendations for the progressive development and codification of the four principles so as to secure their more effective application’ by the words :

“‘for the continued study of the four principles with a view to their progressive development and codification so as to secure their more effective application, in accordance with resolution 1815 (XVII)’.”

Those amendments were withdrawn at the 833rd meeting after the introduction of the Lebanese oral amendment.

15. Poland, Romania and Czechoslovakia submitted an amendment (A/C.6/L.543) to draft resolution A/C.6/L.541 and Corr.1 and Add.1 and 2 by which the words “for the purpose of drawing up a report containing recommendations for the progressive development and codification of the four principles” in operative paragraph 1 would be replaced by the words “for the purpose of preparing draft formulations of the four principles with a view

to their progressive development and codification". That amendment was withdrawn at the 833rd meeting after the introduction of the Lebanese oral amendment.

16. Jamaica and Madagascar also submitted an amendment (A/C.6/L.545) to draft resolution A/C.6/L.541 and Corr.1 and Add. 1 and 2 proposing that the words "for the purpose of drawing up a report containing recommendations for" in operative paragraph 1 should be replaced by the words "in order, in accordance with Article 13 of the Charter, to draw up a report containing a study and recommendations for the purpose of encouraging". In view of the acceptance of the Lebanese oral amendment by the sponsors of the draft resolution, the representatives of Jamaica and Madagascar stated that they would not press for a vote on their amendment.

17. Lebanon submitted an oral amendment (833rd meeting) to draft resolution A/C.6/L.541 and Corr.1 and Add.1 and 2 proposing that that part of operative paragraph 1 beginning "...for the purpose of..." should be replaced by the words "...in order to draw up a report which would, for the purpose of the progressive development and codification of the four principles, so as to secure their more effective implementation, contain the conclusions of its study and its recommendations, taking into account in particular: ...". That amendment was accepted by the sponsors of the draft resolution.

18. With respect to the financial implications of draft resolution A/C.6/L.541 and Corr.1 and Add.1 and 2, the representative of the Secretary-General made a statement to the effect that the convening of the special committee would not entail any additional expense if it held its meetings at Headquarters between 20 August 1964 and the opening of the nineteenth session of the General Assembly. If any State wished to invite the Committee to meet elsewhere it would, in accordance with resolution 1202 (XII), have to agree, after consultation with the Secretary-General as to their nature and possible extent, to defray the additional costs involved. In that event, the special committee could begin its work on approximately 15 June 1964.

19. Canada, Cyprus, Jamaica, Liberia, Mexico, the Netherlands, Pakistan and Sweden submitted a draft resolution (A/C.6/L.540 and Add.1 and 2) proposing, with reference to the principle that States should settle their international disputes by peaceful means, a study of the practice with regard to methods of fact-finding for the purpose of the progressive development of those methods. The draft resolution read as follows:

"The General Assembly,

"Recalling that in its resolution 1815 (XVII) the principle that States shall settle their international disputes by peaceful means in such a manner that international peace and security, and justice are not endangered is mentioned as one of the principles to be studied at the eighteenth session,

"Recognizing the need to promote further development and strengthening of various means of settlement of disputes, as described in Article 33 of the Charter,

"Considering that in Article 33 of the Charter enquiry is mentioned as one of the peaceful means by which the parties to any dispute, the continuance of which is likely to endanger the maintenance of international peace and security, shall seek a solution,

"Considering further that enquiry, investigation and other methods of fact-finding are also referred to in other instruments of a general or regional nature,

"Believing that an important contribution to the peaceful settlement of disputes and to the prevention of such disputes could be made by providing for impartial fact-finding within the framework of international organizations and in bilateral and multilateral conventions,

"Taking into account that with regard to methods of fact-finding in international relations a considerable practice is available to be studied for the purpose of their progressive development,

“*Believing* that such a study might include the feasibility and desirability of establishing a special international body for fact-finding or of the assumption by an existing organization of fact-finding responsibilities complementary to existing arrangements and without prejudice to the right of parties to any dispute to seek other peaceful means of settlement of their own choice,

“1. *Invites* Member States to submit in writing to the Secretary-General, before 1 June 1964, any views they may have on this subject and requests the Secretary-General to communicate these comments to the Member States before the beginning of the nineteenth session ;

“2. *Requests* the Secretary-General to study the relevant aspects of the problem under consideration and to report on the results of such study to the General Assembly at its nineteenth session and to any subsidiary organ that may be established at the eighteenth session in pursuance of the item ‘Consideration of principles of international law concerning friendly relations among States in accordance with the Charter of the United Nations’

“3. *Requests* this subsidiary organ to include in its deliberations the subject matter as mentioned in the last preambular paragraph.”

DISCUSSION

General considerations, the Committee’s terms of reference and the form which the results of its work should take

General considerations

20. The representatives who spoke on this item stressed the great urgency of the question, perhaps the most important from the legal and political points of view with which the Sixth Committee had had to deal to date.

21. In the view of some representatives, it was important because the consideration of principles of international law concerning friendly relations and co-operation among States in accordance with the Charter of the United Nations was necessary for the consolidation of peace, the maintenance of friendly relations among States with different political, economic and social systems, and the promotion of co-operation among the members of the family of nations.

22. In the opinion of those representatives, the increasing headway being made in recent years by the policy of coexistence was an expression of the profound realities and compelling needs of the times and the only alternative to an all-devastating war. This policy was beginning to yield practical results; it had received positive demonstration in the Declaration contained in the final communiqué of the Bandung Conference of African and Asian States, held in April 1955; in the Declaration of the Heads of State or Government of the Non-aligned Countries, issued on the occasion of the Belgrade Conference, held in September 1961; and most recently in the Treaty banning nuclear weapon tests in the atmosphere, in outer space, and under water, concluded at Moscow on 5 August 1963, which was open to all States and to which more than 100 States had acceded. On its side the General Assembly had become increasingly conscious since 1960 of the broader scope given to international law and of the influence which international law and realities exercise on each other. This awareness had been expressed by the adoption of resolutions 1505 (XV) of 12 December 1960, 1686 (XVI) of 18 December 1961 and lastly by resolution 1815 (XVII) of 18 December 1962, which had led directly to the present agenda item.

23. In the view of other representatives, the topic was important because it concerned four of the fundamental principles of the Charter on which the whole structure of the United Nations rested; it was important also because of its political and legal scope, and because of its possible consequences, immediate and in the future, on the Organization, the solidarity of its Members and their comprehension of their rights and duties.

24. Some representatives pointed out that the expression “principles concerning friendly relations and co-operation among States” embraced all the principles of international law formulated or confirmed by agreement between the socialist States and the capitalist States. In the various conventions or declarations adopted in recent years, at Peking, Bandung, Belgrade, Addis Ababa and elsewhere, those principles varied in number according to the degree of interest taken in them by each State.

25. Lastly, some representatives said that, as resolution 1815 (XVII) attested, the subject before the Committee was not peaceful coexistence—a matter which was rather political than legal—but friendly relations among States, which was a much broader theme.

26. Other representatives declared that the expressions “peaceful coexistence” and “friendly relations and co-operation among States” were synonymous, and that moreover this question of terminology was secondary.

27. Although nobody denied the importance of the subject, differences of view became apparent concerning the scope of the terms of reference given to the Sixth Committee by resolution 1815 (XVII) and the form which the result of the Committee’s work should take.

The Committee’s terms of reference

28. In the opinion of several representatives, the Committee’s terms of reference under resolution 1815 (XVII) had their origin in Article 13 of the Charter, which stipulated that the General Assembly should initiate studies and make recommendations for the purpose of promoting international co-operation in the political field and encouraging the progressive development of international law and its codification. Operative paragraph 2 of resolution 1815 (XVII) is clear on this point.

29. In the view of some representatives, resolution 1815 (XVII) does not impose any obligation on the Committee other than to undertake a study of the four principles mentioned in operative paragraph 3—a study which in itself would contribute to the progressive development of the law. The Committee was therefore free to decide what effect should be given to this study. These representatives stressed the complexity of the question which called for thorough, careful and objective consideration relating both to the way in which Governments had interpreted and applied the Charter and to the meaning and evolution of the political, economic and social events which had occurred since the adoption of the Charter. Moreover, each principle should be considered thoroughly from every angle; it should be studied separately, for a simultaneous discussion of the four principles could only lead to confusion.

30. In the view of other representatives, the Committee’s task was not only the study of the four principles enumerated in resolution 1815 (XVII) but their progressive development and codification, so as to secure their more effective application. The Committee was not a scientific association but a political organ, and it was expected to produce more than mere studies, however complete they might be. Moreover, although the principles of international law were expressed or implied in the Charter, that document did not provide for all details of the practical application of this doctrine. It could not anticipate the extent and shape of the changes which had taken place throughout the world during the last decade, and in particular the recovery of their independence by a very large number of countries. The need, in applying the essential principles of the Charter, to allow for the new and changed conditions had called for their creative elaboration. This process of creative elaboration had been going on all the time through resolutions, declarations, law-making treaties and bilateral and multilateral documents which sought to enunciate the principles of coexistence.

31. Some representatives contended that the expression “progressive development of international law” employed in resolution 1815 (XVII) had a general meaning and not the technical sense which it had in article 15 of the statute of the International Law Com-

mission, namely, "the preparation of draft conventions on subjects which have not yet been regulated by international law or in regard to which the law has not yet been sufficiently developed in the practice of States". Similarly, "codification" was not used as meaning "the more precise formulation and systematization of rules of international law in fields where there already has been extensive State practice, precedent and doctrine", for the four principles were already to be found in the Charter.

32. The question before the Committee concerned not the codification or development of the international law in force but the application of that law. The Committee should determine first how the principles of the Charter were applied in relations among States. It would then be possible to determine whether the conduct of States in their relations with one another was influenced by the inadequacy or obscurity of the existing rules and to decide whether such rules could usefully be supplemented or corrected.

33. This point of view was rejected by several representatives who declared that operative paragraph 2 of resolution 1815 (XVII) was not at all ambiguous and that by the terms of this paragraph the Committee should work for the progressive development and codification of the principles of international law, that is to say, according to the definition in article 15 of the statute of the International Law Commission, for the preparation of draft conventions on subjects which have not yet been regulated by international law and for the systematization of rules of international law in fields where there already has been extensive State practice. In the opinion of these representatives, this definition did not exclude the idea of a declaration.

34. Some representatives said that under resolution 1815 (XVII) the Committee should also decide what other principles were to be given further consideration at subsequent sessions. Among these principles, representatives mentioned the three principles appearing in resolution 1815 (XVII) but not assigned for study at the eighteenth session, namely, (a) the duty of States to co-operate with one another in accordance with the Charter; (b) the principle of equal rights and self-determination of peoples; and (c) the principle that States shall fulfil in good faith the obligations assumed by them in accordance with the Charter.

35. Other representatives proposed also the principle of co-operation in economic, social and cultural fields, the principle of respect for the policy of non-alignment to any ideological or military bloc, the principle that ideological and warlike propaganda should be avoided in the conduct of international relations, and the principle of racial equality.

36. Several representatives considered that the study of other principles should not be initiated before the completion of the study of the first four principles.

Form which the results of the work should take

37. Several representatives declared that the result of the Committee's work should be embodied in a declaration, for the principles which the Committee had to study were so closely interrelated that to formulate them in isolation would be to divorce them from the context where they naturally belonged, thus depriving them of part of their substance. As the system the Committee had in mind would necessarily consist of prohibitive norms and co-operative, active and positive norms, which were complementary, there must be only a single document, as the Czechoslovak working paper (A/C.6/L.528) proposed.

38. In the opinion of these representatives, a declaration would offer many advantages, among them a better expression and more explicit statement, a more precise formulation and systematization, and better adaptation to contemporary needs of the law signified progressive development and codification, and that, in its turn, meant the improvement of the law. Such restatement and confirmation of the main principles of the maintenance and consolidation of peace and the peaceful coexistence of States having different economic and social systems corresponded to the present needs and demands of peoples all over the world, especially the smaller and weaker nations, which had of necessity to put their trust in law because their

wealth and arms were not sufficient to defend their vital interests. A declaration would transfer to the international plane the regional Declarations of Bandung, Belgrade and Addis Ababa. Moreover, a declaration would give to the principles the desired legal and moral weight. Although a declaration set out in a General Assembly resolution does not bind States in the same way that an agreement binds the parties to it, the adoption of such a declaration nevertheless would have much greater force than that of a mere recommendation. It might not be considered, *prima facie*, as a formal source of law, but it might become one if recognized by States as a rule of international law and adopted by them in practice, in which case its provisions would become provisions of customary law.

39. Several representatives had put forward, as an additional argument in favour of the preparation of a declaration, the many precedents within the United Nations. They mentioned the Universal Declaration of Human Rights of 1948, the draft Declaration on rights and duties of States of 1949 (resolution 375 (IV)), the Declaration on the granting of independence to colonial countries and peoples of 1960 (resolution 1514 (XV)) and the Declaration on the elimination of all forms of racial discrimination of 1963 (resolution 1904 (XVIII)).

40. Some representatives considered that the proposed declaration might be drafted between the present session and the twentieth session (1965), so that it would coincide with the United Nations Decade of International Law, mentioned in resolution 1816 (XVII).

41. Some representatives thought that the preparation of a declaration was only one step towards codification.

42. Other representatives were opposed to the preparation of a declaration of principles for the time being. They considered that because of the complexity of the question it was essential to exercise caution and not to make haste. It would be better to see what came out of the exchange of views on the subject before deciding on the final form in which the results of the work were to be expressed. This exchange of views would undoubtedly take a rather long time.

43. A large number of representatives were opposed to the preparation of any declaration, for resolution 1815 (XVII) was not a mandate to the Committee for the reformulation of the principles in the Charter. It need not entail the preparation of new codes or declarations relating to the principles mentioned, but should involve an analysis of these principles within the Charter, in which they were already embodied. It was unnecessary to rewrite the Charter or to restate, by way of recommendation, what the Charter contained by way of obligation. Such a procedure might weaken the scope of the legal obligations included in the Charter and accepted by Member States. The Charter should therefore remain intact. The four principles of resolution 1815 (XVII) were to be found in the Charter, and they could not be set down more precisely in a fashion which would be binding on Member States except by their amendment, that is to say, by amendment of the Charter.

44. In the opinion of these representatives there was no doubt that if the recommendations adopted at the conclusion of the study of the four principles added new elements and were not restricted to an interpretation compatible with the provisions of the Charter, the procedure of Article 13 could not be followed, for this Article contemplated only recommendations for the development or codification of international law and not the revision of the Charter. If the study disclosed gaps in the Charter, those gaps would have to be filled by the amendment procedure set out in Article 108.

45. Some of these representatives were even of the opinion that with reference to principles constituting the very foundation of the legal order of the United Nations, the procedure set out in Article 108 was not sufficient and that a review of the Charter, such as that contemplated in Article 109, would be necessary.

46. In reply, several representatives pointed out that the General Assembly on several occasions had interpreted the fundamental provisions of the Charter, especially in the Uni-

versal Declaration of Human Rights, resolution 1803 (XVII) on permanent sovereignty over natural resources, and resolution 1514 (XV) on the granting of independence to colonial countries and peoples. The Declaration in resolution 1514 (XV) could serve as an illustration and be of assistance to the Committee in its work. This Declaration summed up several other resolutions. It eliminated all the ambiguities left by Chapters XI, XII and XIII of the Charter. It interpreted the principle of self-determination of peoples in keeping with the changes which had taken place since 1945. This document enriched the Charter, not by revising or amending it, but simply by interpreting it.

47. Some representatives stated that these arguments were not convincing, for in the areas covered by these declarations, the provisions of the Charter were few and very succinct and did not relate to fundamental points.

48. One representative proposed the drawing up of a “universal statute of peace” which might embody many of the rules which had been formulated, since the entry into force of the Charter, to strengthen international security—for example, some of the resolutions of the General Assembly.

Debate on the four principles set out in resolution 1815 (XVII)

The principle of refraining from the threat or use of force in international relations

49. Almost all representatives agreed that the prohibition of the threat or use of force in international relations had been the outcome of the development since the end of the nineteenth century towards a restriction on the use of force and of the replacement in international law of the notion *jus ad bellum* by *jus contra bellum* under the pressure of events and advances in military techniques and arms which endangered the very existence of mankind. That development had been marked by the 1899 and 1907 Hague Conventions for the Pacific Settlement of International Disputes, and the Covenant of the League of Nations. Representatives also referred to the contribution in that field of the Soviet Government’s Decree of Peace of 26 October 1917. Nevertheless, it was not until 1928 and the Briand-Kellogg Pact² that the principle of a prohibition of all wars of aggression was proclaimed for the first time. In consequence, the Charters of the Nürnberg and Tokyo International Military Tribunals set up in 1945 and 1946 had found the war criminals guilty of aggressive war in the Second World War. Finally, the authors of the United Nations Charter had gone still further and in Article 2, paragraph 4, had proclaimed a prohibition of the threat or use of force.

50. Some representatives stressed the importance of that principle and pointed out that Article 2, paragraph 4, had frequently been recalled in General Assembly resolutions, for instance in resolutions 192 (III) on the prohibition of the atomic weapon and on the reduction by one-third of the armaments and armed forces of the permanent members of the Security Council; 290 (IV) on the essentials of peace; 291 (IV) on the promotion of the stability of international relations in the Far East; 378 A (V) on the duties of States in the event of the outbreak of hostilities and 380 (V) on peace through deeds. The principle had also been proclaimed in a number of international instruments concluded since the war, such as the Charter of the Organization of American States (article 5),³ the Pact of Bogotá (article 1),⁴ the Bandung Declaration (principle 7), the Belgrade Declaration (chapter II) and the Charter of the Organization of African Unity (articles II and III).

51. Some representatives expressed doubts as to the desirability and even the feasibility of formulating a complete definition of the prohibition of the threat or use of force.

² General Treaty for Renunciation of War as an Instrument of National Policy, signed at Paris, 27 August 1928 (League of Nations, *Treaty Series*, vol. XCIV, 1929, No. 2137).

³ United Nations, *Treaty Series*, vol. 119 (1952), No. 1609.

⁴ United Nations, *Treaty Series*, vol. 30 (1949), No. 449.

52. With regard to the problem of defining “force”, which had been raised by several representatives, some stated that the term “force” should not apply only to military force, but also to force in any form, including its economic and political forms, because economic coercion could sometimes be more dangerous than physical force for the developing countries.

53. Other representatives thought that the word “force” in the specific context of Article 2, paragraph 4, of the Charter meant only physical force and armed force, and did not include the other forms of pressure, whether economic or political. They stated that the idea of economic aggression had been rejected in 1945 at the United Nations Conference on International Organization, held in San Francisco.

54. Some representatives thought, on the other hand, that the word “force” applied not only to regular forces, but also to irregular forces or armed bands operating against a State from bases within the territory of another State which tolerated their presence.

55. The definition of the threat of force should also include means of direct or indirect pressure exerted against the territorial integrity or political independence of a State and should be extended to cover the arms race. Some representatives even stated that the refusal of a coastal State to grant access to the sea to a landlocked State was a measure as dangerous as the threat of force.

56. Some representatives expressed the view that it should be stated that any advantage obtained by force, whether military, political or economic, would not be recognized.

57. Some representatives stated that the phrase “in their international relations” in Article 2, paragraph 4, raised a problem, for in the event of a revolt on the territory of a State, a group or community could claim international personality or statehood, and then any threat or use of force against the said community could be considered “international” and would fall under Article 2, paragraph 4.

58. Other representatives stated that the granting of assistance in wars of liberation did not constitute a violation of Article 2, paragraph 4, of the Charter. The Summit Conference of Independent African States, held at Addis Ababa in May 1963, had provided, *inter alia*, for joint action to promote the national liberation of peoples still living under the yoke of colonialism.

59. Several representatives emphasized the close and essential relationship between Article 2, paragraph 4, and Chapters VI and VII of the Charter, and particularly Article 39 on threats to the peace, breaches of the peace or acts of aggression, which went to prove that the function of interpreting and applying the principle prohibiting the threat or use of force was assigned by the Charter to the Security Council.

60. Several representatives emphasized that the prohibition of the use of force was absolute; the only possible exceptions were provided for by the Charter in Articles 42 (action decided on by the Security Council) and 51 (self-defence), and those exceptions should be interpreted *stricto sensu*.

61. In that connexion, some representatives stated that not only did Article 51 of the Charter provide for the legitimate use of force in exercise of the right of self-defence in the event of armed attack, but that Article 51 together with Article 2, paragraph 4, did not entirely replace and did not invalidate all the pre-existing rules of international law concerning the use of force in self-defence. Individual or collective self-defence against armed attack was an absolute inherent right.

62. That opinion was considered inadmissible by several representatives who believed it to be a retrograde step; in their view, limiting the interpretation of Article 2, paragraph 4 and widening the scope and meaning of Article 51 weakened the Charter by leaving room for the justification of the use of force in cases not provided for by the Charter, such as preventive war.

63. Several representatives expressed the opinion that the formulation of the principle of the threat and use of force, as given in the draft submitted by Czechoslovakia at the seventeenth session⁵, was satisfactory and could serve as a basis for the formulation of that principle in a declaration.

64. Other representatives, on the other hand, believed that the formulation contributed nothing, because the principle was already covered by a complete rule of law set forth in Article 2, paragraph 4, of the Charter and there was nothing to be gained from changing its wording. That general rule was sufficient to cover many contingencies which a more precise and detailed rule might very well not provide for.

65. In common with the draft submitted by Czechoslovakia at the seventeenth session, some representatives attached particular importance to the prohibition of war propaganda and the problem of disarmament, a principle of law closely linked to the principle contained in Article 2, paragraph 4. They pointed out that signatories of the Charter had undertaken in Article 26 to formulate plans for the regulation of armaments and that several resolutions had already been adopted to that effect. Moreover, the Belgrade Declaration stated in detail what should be understood by general and complete disarmament. The notion embraced not only the elimination of armed forces, armaments, foreign bases, the manufacture of arms and the establishments and installations needed for military training, but also an absolute ban on producing, keeping and using nuclear, thermo-nuclear, bacteriological and chemical weapons and the elimination of the equipment and installations required for firing, guiding and using operationally weapons of mass destruction on national territories.

66. Other representatives, while subscribing to the political objective of disarmament, did not think that the Sixth Committee could, at least at the present stage, lay down rules concerning the legal obligation of States to disarm. Maintaining that the political objective created a legal obligation was tantamount to ignoring the pre-conditions for establishing a rule of law.

The principle of the peaceful settlement of disputes

67. The paramount importance of the principle of the peaceful settlement of disputes, set forth in Article 2, paragraph 3, of the Charter, was stressed by most representatives. Some stated that the principle of the peaceful settlement of disputes could be considered as a mandatory and established norm of international law. As early as 1826 in Panama, Colombia, Central America, Peru and Mexico had signed a treaty providing for the peaceful settlement of disputes. Furthermore, that principle appeared in the Charter of the Organization of American States (article 21), the Belgrade Declaration (chapter III) and the Charter of the Organization of African Unity (articles III and XIX).

68. Some representatives pointed out that the above principle was a natural corollary to the prohibition of the use of force and that all the important international instruments which prohibited the threat or use of force obliged signatory States to settle their disputes by peaceful means. That obligation was as mandatory as the prohibition; moreover, the two were juxtaposed in Article 2 of the Charter, as also in the Briand-Kellogg Pact. The only choice open to States under the Charter was that mentioned in Chapter VI of the Charter, which should be read in conjunction with Article 2. Article 33 of the Charter specified the peaceful means which States could use in a given case: negotiation, enquiry, mediation, conciliation, arbitration or judicial settlement. The choice depended upon the nature of the dispute and the international context in which it took place.

⁵ *Official Records of the General Assembly. Seventeenth Session, Annexes, agenda item 75, document A/C.6/L.505.*

69. Some representatives laid particular stress, as did the draft submitted by Czechoslovakia at the seventeenth session, on the advantages of direct negotiations between States a basic means which no State could reject unilaterally.

70. Other representatives expressed surprise that some countries which were the most fervent advocates of the codification of principles of international law concerning friendly relations and co-operation among States seemed to show no interest in the codification of the principles of the peaceful settlement of disputes. They maintained that to regard direct negotiations as the fundamental means of settling disputes, as was done in the Czechoslovak draft, was a nationalist and retrograde step which limited the means set forth in Article 33 to negotiation.

71. Several representatives expressed the opinion that States should have wider recourse to the International Court of Justice for the settlement of their disputes. In their opinion, it was difficult to avoid the influence of political factors in the peaceful settlement of disputes by non-judicial means, and such a procedure was therefore imperfect from the standpoint of the rule of law; they regretted that only one-third of the States Members of the United Nations had accepted the optional clause of compulsory jurisdiction and that there were reservations which limited the Court's jurisdiction even further. Some representatives also expressed regret that execution of the Court's decisions depended entirely on the will of the parties and considered that such a situation was a fundamental defect, from the point of view of the rule of law, which should be corrected. Still other representatives wished to extend the jurisdiction of the Court to non-judicial disputes and, in that connexion, referred to the *ex aequo et bono* decisions taken under Article 38, paragraph 2, of the Statute of the Court.

72. Some representatives also stated that States should be encouraged to resort to the panel for inquiry and conciliation contemplated in General Assembly resolution 268 D (III). Certain representatives emphasized the role which the Security Council, the General Assembly, and the Secretary-General could play in the peaceful settlement of disputes.

73. Other representatives maintained that certain States were reluctant to submit their disputes to the Court because, on the one hand, geographical distribution and the representation of the world's principal legal systems in the Court were not satisfactory and, on the other hand, because the Court applied only the law of the so-called "civilized" nations in the formulation of which those States had not taken part.

74. Certain representatives contested those views, drawing attention to the recent improvement in the geographical representation of the seats in the International Court of Justice and to the fact that, furthermore, the impartiality of the judges could not be questioned since some judges had voted for rulings which were contrary to the interests of their own countries. In addition, the Court, far from being conservative, had in a large number of cases adopted a progressive and enlightened attitude.

75. A number of representatives held that it was impossible to conceive of a genuine system of peace without a treaty on the peaceful settlement of disputes for, when a dispute arose, it was not enough to apply one of the means of peaceful settlement specified in Article 33 of the Charter; the parties should know what means of recourse were available and should have reached a prior agreement on that point in a special legal instrument. Thus, at the Bogotá Conference, the American States had adopted the American Treaty on Pacific Settlement or the Pact of Bogotá, which contained provisions for the peaceful settlement of all disputes. Similarly, the European Convention for the Peaceful Settlement of Disputes, signed at Strasbourg on 29 April 1957,⁶ and the Charter of the Organization of African

⁶ United Nations, *Treaty Series*, vol. 320 (1959), No. 4646.

Unity of 1963 provided for commissions of mediation, conciliation and arbitration. A general treaty based on regional experiences could offer a solution to the problem.

76. Some representatives were of the opinion that application of the principle of the peaceful settlement of disputes could be facilitated by the establishment of a specialized fact-finding body whose functions would be complementary to the arrangements already in operation for that purpose; that body would be available to the parties to future treaties or to existing treaties which had no fact-finding provisions as well as to international organizations and would not supersede existing effective machinery. In the case of very specialized inquiries of an economic or scientific nature, for example, the fact-finding centre could call upon an individual, body, commission or organization to carry out an inquiry. Those representatives pointed out that several international agreements, namely, those which had established the three European communities⁷ and the European Convention for the Protection of Human Rights and Fundamental Freedoms,⁸ provided for such bodies.

77. Other representatives maintained that the proposal to establish a fact-finding body constituted a first step towards a judicial or quasi-judicial settlement of disputes which would be compulsory and therefore unacceptable. Moreover, that proposal was not on the Committee's agenda and it should therefore not be discussed.

78. Some representatives pointed out that all disputes were not likely to affect the maintenance of peace to the same extent and that the flexibility of the Charter was reflected in the fact that it provided in Articles 14 and 34 and in Chapter VII for different measures to be taken by different bodies, according to the seriousness of the dispute.

79. Several representatives concluded that the Charter provided adequate legal and constitutional bases for productive diplomatic action; they mentioned the practical measures taken by the United Nations since its foundation, such as the organization of truces, the dispatch of commissions of observation, inquiry or good offices, its economic and social activities; and its action under Article 81 concerning the administration of a trust territory. Accordingly, they thought that here, too, it was useless and dangerous to seek to amend the Charter by devious means.

The duty not to intervene in matters within the domestic jurisdiction of a State

80. Some representatives referred to the fact that the principle of non-intervention in matters within the domestic jurisdiction of a State had until relatively recently been a political principle often proclaimed and applied in international relations.

81. Nevertheless, the majority of representatives recalled the efforts made by many States to clarify, formulate and codify the legal principle of non-intervention in the affairs of another State. The French Revolution had first recognized that principle by proclaiming it in its Constitution of 1791. The Latin American States had since 1848 made efforts to define and codify that principle. It was contained in the Convention on the Rights and Duties of States, adopted by the Seventh International Conference of American States, held at Montevideo in 1933.⁹ It also appeared in article 15 of the Charter of the Organization of American States and had been reaffirmed at the Fifth Meeting of Consultation of Ministers of Foreign Affairs, held at Santiago in 1959. In addition, draft articles dealing with that principle would be submitted to the Inter-American Conference to be held at Quito in 1964.

⁷ Treaty instituting the European Coal and Steel Community (United Nations, *Treaty Series*, vol. 261 (1957), No. 3729). Treaty establishing the European Economic Community (United Nations, *Treaty Series*, vol. 298 (1958), No. 4300). Treaty establishing the European Atomic Energy Community (EURATOM) (United Nations, *Treaty Series*, vol. 298 (1958), No. 4301).

⁸ United Nations, *Treaty Series*, vol. 213 (1955), No. 2889.

⁹ League of Nations, *Treaty Series*, vol. CLXV, 1936, No. 3802.

82. The principle was also found in the Pact of the League of Arab States (article 8), the Bandung Declaration of 1955 (4th principle), the Belgrade Declaration of 1961 and the Charter of the Organization of African Unity (article III), adopted at Addis Ababa in 1963, in the Vienna Convention on Diplomatic Relations (1961)¹⁰ and the Vienna Convention on Consular Relations (1963).¹¹ It was an important item on the agenda of the Conference of the International Law Association, which was to take place at Tokyo in 1964.

83. Many representatives stated that the principle of non-intervention in the domestic affairs of a State was inherent in the very spirit of the Charter and was an essential part of any system of coexistence. It derived from the principle of the sovereign equality of States and endorsed the right of self-determination of peoples.

84. Several representatives observed that two distinct questions were involved, namely, the competence of States with respect to the United Nations as set out in Article 2, paragraph 7, and the intervention of a State in the affairs of another State, which was covered more specifically in Article 2, paragraph 4.

85. Some representatives considered that the problem to be examined by the Committee related solely to the latter point.

86. Other representatives thought it necessary to recognize that what constituted interference in domestic affairs was essentially a matter of degree, since States could not be sealed off from one another or from the United Nations. The decisions of the United Nations and measures taken by States, even though they were within their rightful competence, often had implications for other States. Therefore, it seemed that the Committee's function was to determine, having regard to the interdependence of States in the modern world, those measures which were permissible and those which were not.

87. Some representatives pointed out that Article 2, paragraph 7, of the Charter contained ambiguous points which required clarification, such as which organ was competent to decide whether a question was or was not within the national competence of a State. The lack of a clear interpretation of that aspect of paragraph 7 had given rise to difficulties during the decolonization process.

88. Other representatives thought that it was not possible to give a precise meaning to Article 2, paragraph 7, for intervention was a concept which was as fluid and changing as life itself and defied all definition. They recalled that there were phenomena, such as aggression, which should preferably not be defined and that intervention in the affairs of another State was of a similar nature. Other representatives were of the opinion that the question of aggression should be re-examined in the light of possible violations of the principle of non-intervention.

89. In the view of other representatives, the doubts raised by Article 2, paragraph 7, could be dispelled only by revision of the Charter.

90. Some representatives held that the key question which remained unresolved was the precise definition of intervention. References were made to political, economic and even ideological intervention, the common feature of all three being their dictatorial effect, which deprived the State subjected to such intervention of its normal discretionary powers and could even go so far as to constitute a veritable usurpation by the interventionist State of the national powers of the State concerned. Examples of political intervention cited were attempts by a State to impose a particular constitutional or political system, armed attacks, political assassinations, seizures, violations of territorial integrity, the establishment of military bases in other States, the claiming of special privileges for nationals, and the fomenting or inciting of subversive activities. One of the most insidious forms of intervention, however,

¹⁰ United Nations publication, Sales No. : 62.X.1, vol. II.

¹¹ United Nations publication, Sales No. : 63.X.2, vol. II.

was interference in the economic affairs of States, as when the nationals of a State exerted pressure on their Government to intervene in order to protect their own private commercial or industrial interests in another State.

91. Other representatives pointed out that protection of the life and property of nationals was in keeping with international law and was an expression of the rights of sovereignty vested in every State.

92. Several representatives stressed the dangers of neo-colonialism, by means of which certain great Powers sought to violate the integrity of weaker countries through the exercise of overt or disguised economic pressure.

93. Some representatives stated that attention should also be given to the possible forms of intervention: intervention by a single State, collective intervention and intervention by an international organization.

94. Another problem to be solved, in the view of some representatives, was the definition of matters which, under Article 2, paragraph 7, "are essentially within the domestic jurisdiction of any State". The present trend seemed to be towards a broader interpretation, for States were more and more taking on, under various forms of international obligations, activities—as in matters of human rights—which would formerly have been exclusively within their domestic jurisdiction.

95. Some representatives, lastly, held that study should be given to the question of how paragraph 7 had been and should be applied by the United Nations. The United Nations, it appeared, had followed a less formal course on that question than had the League of Nations.

The principle of sovereign equality of States

96. Several representatives expressed the view that the principle of sovereign equality of States laid down in Article 2, paragraph 1, of the Charter was a factor for stability in international relations and in the peaceful coexistence of States having different economic and social systems. It was the fundamental principle of the United Nations, and was the essential basis not only of relations between the United Nations and its Members but also of relations between States. Confirmation of that could be found in Article 78 as well as Article 2 of the Charter.

97. A number of representatives pointed out that at the United Nations Conference on International Organization in San Francisco it had been held that the term sovereign equality conveyed first, that States were juridically equal, secondly, that each State enjoyed the rights inherent in full sovereignty, thirdly, that the personality of the State was respected, as well as its territorial integrity and political independence, and fourthly, that the State should, under international order, comply faithfully with its international duties and responsibilities.

98. Various representatives observed that by virtue of that principle States had not only the same rights but also the same duties as subjects of international law and as equal members of the international community. The principle in question appeared not only in the United Nations Charter but in the Charter of the Organization of American States (article 6), the Bandung Declaration (principle 3) and the Charter of the Organization of African Unity (principle 1).

99. Some representatives stressed the point that the expression "sovereign equality" had two very important elements: the concept of sovereignty and that of equality.

100. On the subject of equality, a number of representatives stated that the equality envisaged in Article 2, paragraph 1, of the Charter should be construed as relating solely to the equality applicable to the juridical relations between Members of the United Nations within the Organization itself—to the consequences flowing from the fact of their member-

ship in the United Nations. But Article 2, paragraph 1, provided for the formal juridical equality of all Member States—though the Charter admitted certain exceptions, such as the five great Powers' right of veto.

101. Those representatives considered that in dealing with equality as a principle one must not allow the positive aspects to blind one to the existence of restrictions; it was necessary to see how far equality existed among States, in the international community and in international organizations. Moreover, weighted voting systems were applied in the International Monetary Fund and in European organizations. Those exceptions to the rule, far from being harmful, had made it possible to extend friendly co-operation between States to new spheres.

102. Other representatives held that equality should be construed as signifying the right of all States, irrespective of their size and form of government, their economic or social systems or their level of development, to political and economic equality in the community of nations. All States should be able to participate on an equal footing in international life, more particularly in the creation of norms of international law, and should be given every assistance to achieve such equality, particularly in the economic field. The economic aspects of sovereignty thus acquired a particular significance in the contemporary world, and called for efforts to develop international law in that field.

103. So far as concerned sovereignty, some representatives pointed out that the content of that idea was constantly evolving, and was tending to lose some of its absoluteness as a result of the existence of international organizations. In particular, there was a trend towards a correlative approach to the articles on sovereignty and the provisions on human rights, which should be given close attention in the Committee's study.

104. Several representatives observed that attacks on the sovereign equality of States sometimes took subtle forms, as when a State was compelled to conclude an unequal treaty designed to bring it under the economic domination of another State. Such treaties were at variance with the Charter and an obstacle to friendly relations between States.

105. Certain representatives stated that in connexion with the principle of sovereign equality the Committee ought to give particular attention to the right of self-determination of peoples and the principle of the elimination of colonialism, as defined in paragraphs 14 and 15 of the draft resolution submitted by Czechoslovakia at the seventeenth session.

Discussion on the procedure to be followed in dealing with the item

Question of friendly relations in general

106. With respect to the procedure to be followed in dealing with the item several representatives said that they were in agreement with the proposals made in the Czechoslovak working paper (A/C.6/L.528).

107. Other representatives formally opposed that procedure, either because, in principle, they were against the formulation of a declaration or because they considered the proposed procedure too hasty.

108. A large number of representatives preferred the procedure suggested in the working paper submitted by Australia, Canada, Denmark, France, Malaysia and the United Kingdom of Great Britain and Northern Ireland (A/C.6/L.531 and Corr.1) and several actually discussed seriatim the four principles referred to the Committee at the current session.

109. As the general debate progressed, it became apparent that the establishment of working groups during the current session would no longer be practicable in view of the short time remaining to the Sixth Committee in which to finish its work. The debate therefore

shifted from the question of the procedure to be followed at the current session to the question of the procedure to be followed after the Committee had finished its work at the current session.

110. Most representatives were of the opinion that the Sixth Committee, composed of representatives of States, was an organ better qualified than, for example, the International Law Commission, composed of experts, to apply Article 13 of the Charter in the present case, for the matter in hand was the formulation of the four principles enunciated in resolution 1815 (XVII), the political importance of which was such that it could not be disregarded. Those representatives thought, however, that the Sixth Committee was too large a body to undertake the codification and progressive development of international law, which, in its initial stage, would require thorough studies and extensive research. It was therefore necessary to establish one or several working groups to meet during or between sessions of the Assembly. Each group should be representative not only of the principal legal systems of the world but also of the major political and social systems.

111. During the debate a general trend ultimately emerged in favour of the establishment of a special committee, the selection of whose members would be left to the President of the General Assembly.

112. Some representatives felt that that special committee should begin its work as soon as possible.

113. Other representatives wanted the special committee to meet before the end of the current session.

114. As far as the terms of reference of the special committee were concerned, some representatives were in favour of limiting them to a continuation of the study of the four principles which had been the topic of discussion at the current session, taking into account the practice of the United Nations, the observations of Governments and the views expressed and suggestions made at the current session. They observed that the debate at the current session had been fruitful but that it had shown that the consideration of principles was still in its initial stage and that more detailed studies were necessary. In that connexion, the assistance of the Secretariat would be required in preparing documentation to facilitate the work of the special committee.

115. Other representatives considered that those terms of reference were insufficient and did not take into account the progress made at the current session. They proposed that the special committee should be instructed to draw up a draft declaration of the four principles in question.

116. A larger group of representatives, seeking a compromise solution between those two trends, thought that the special committee should formulate proposals with a view to the progressive development and codification of the four principles in question so as to secure their more effective application in the light of United Nations practice, the observations of Governments and the views expressed and suggestions made at the current session.

117. Another compromise, acceptable to a larger group, would limit the function of the special committee to the preparation of a report containing recommendations which it would submit to the General Assembly at its nineteenth session. Finally, the General Assembly should likewise study at its nineteenth session the three principles set forth in resolution 1815 (XVII) which had not been studied at the current session.

118. Finally, a compromise acceptable to the Committee as a whole was reached on wording to the effect that the special committee would be required to "draw up a report containing, for the purpose of the progressive development and codification of the four principles so as to secure their more effective application, the conclusions of its study and its recommendations".

Question of methods of fact-finding

119. With reference to the proposal in draft resolution A/C.6/L.540 and Add.1 and 2 that a study of methods of fact-finding should be undertaken, several representatives stated that the matter should neither be considered by the Committee nor voted upon for it was not on the Committee's agenda. Nor should it be considered by the special committee, since the purpose of the study was the establishment of an international centre of inquiry; such an organ would be at variance with the Charter which specified what organs were responsible for the maintenance of international peace and security. The establishment of any organ for which no provision was made in the Charter was therefore unacceptable.

120. Other representatives rejected those arguments and observed that the study proposed by the eight sponsors of draft resolution A/C.6/L.540 and Add.1 and 2 was within the scope of the item under consideration and was in keeping with the spirit, if not the letter, of resolution 1815 (XVII) as it was designed to facilitate the peaceful settlement of disputes and to prevent disputes. Moreover, it fell within the terms of reference of the special committee to be established under resolution A/C.6/L.541 and Corr.1 and Add.1 and 2.

121. Certain representatives expressed the view that, under Article 22 of the Charter, the General Assembly was fully entitled to establish such subsidiary organs as it deemed necessary for the performance of its functions. They stated that the members of the international fact-finding body might well be chosen *ad hoc* from a panel of experts similar to that constituted by the Permanent Court of Arbitration.

122. Some representatives expressed the fear that the study which the special committee was being asked to undertake might distract it from its proper tasks, or, at least, might delay the latter, since attention was being focused on a specific point at the expense of the more general responsibilities with which the special committee was being entrusted.

123. The sponsors of draft resolution A/C.6/L.540 and Add.1 and 2 stated in reply that they were not seeking priority for the study of the problem by the special committee.

VOTING

124. At its 833rd meeting, on 11 December 1963, the Sixth Committee voted on draft resolution A/C.6/L.541 and Corr.1 and Add.1 and 2, as orally amended by Lebanon, and adopted it unanimously (see paragraph 126, draft resolution I).

125. At its 834th meeting, on 11 December 1963, the Sixth Committee voted on the draft resolution A/C.6/L.540 and Add.1 and 2. The results of the voting were as follows:

(a) The Committee adopted, by 40 votes to 25, with 10 abstentions, the phrase "and to any subsidiary organ that may be established at the eighteenth session in pursuance of the item 'Consideration of principles of international law concerning friendly relations among States in accordance with the Charter of the United Nations'", in operative paragraph 2 of the draft resolution;

(b) The Committee adopted operative paragraph 3 of the draft resolution by 40 votes to 26, with 13 abstentions. The vote was taken by roll-call and the voting was as follows:

In favour: Argentina, Australia, Austria, Belgium, Brazil, Canada, China, Costa Rica, Cyprus, Denmark, Ecuador, Finland, France, Greece, Guatemala, Haiti, Honduras, Iran, Ireland, Israel, Italy, Jamaica, Japan, Liberia, Luxembourg, Madagascar, Mexico, Netherlands, New Zealand, Nicaragua, Norway, Pakistan, Panama, Philippines, Sweden, Thailand, Turkey, United Kingdom of Great Britain and Northern Ireland, United States of America, Venezuela.

Against: Afghanistan, Algeria, Bulgaria, Byelorussian Soviet Socialist Republic, Cambodia, Chile, Cuba, Czechoslovakia, Ghana, Hungary, India, Indonesia, Iraq, Lebanon,

Mongolia, Morocco, Nigeria, Poland, Romania, Syria, Tanganyika, Togo, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Republic, Yugoslavia.

Abstaining: Burma, Cameroon, Central African Republic, Colombia, Ethiopia, Ivory Coast, Kuwait, Libya, Mali, Mauritania, Niger, Saudi Arabia, Tunisia.

(c) The Committee adopted draft resolution A/C.6/L.540 and Add.1 and 2 as a whole by 45 votes to 14, with 21 abstentions¹² (see below, paragraph 126, draft resolution II). The vote was taken by roll-call and the voting was as follows:

In favour: Argentina, Australia, Austria, Belgium, Brazil, Canada, Chile, China, Colombia, Costa Rica, Cyprus, Denmark, Ecuador, Finland, France, Greece, Guatemala, Haiti, Honduras, Iran, Ireland, Israel, Italy, Jamaica, Japan, Lebanon, Liberia, Luxembourg, Madagascar, Mexico, Netherlands, New Zealand, Nicaragua, Norway, Pakistan, Panama, Philippines, Sweden, Thailand, Tunisia, Turkey, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela.

Against: Bulgaria, Byelorussian Soviet Socialist Republic, Cambodia, Cuba, Czechoslovakia, Hungary, India, Indonesia, Mongolia, Poland, Romania, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Yugoslavia.

Abstaining: Afghanistan, Algeria, Burma, Cameroon, Central African Republic, Ethiopia, Ghana, Iraq, Ivory Coast, Kuwait, Libya, Mali, Mauritania, Morocco, Niger, Nigeria, Saudi Arabia, Syria, Tanganyika, Togo, United Arab Republic.

Recommendation of the Sixth Committee

126. The Sixth Committee recommends to the General Assembly the adoption of the following draft resolutions:

Draft resolution I

CONSIDERATION OF PRINCIPLES OF INTERNATIONAL LAW CONCERNING FRIENDLY RELATIONS AND CO-OPERATION AMONG STATES IN ACCORDANCE WITH THE CHARTER OF THE UNITED NATIONS

[Text adopted by the General Assembly without change. See "Resolutions adopted by the General Assembly" below.]

Draft resolution II

QUESTION OF METHODS OF FACT-FINDING

[Text adopted by the General Assembly without change. See "Resolutions adopted by the General Assembly" below.]

(b) Resolutions adopted by the General Assembly

At its 1281st plenary meeting, on 16 December 1963, the General Assembly adopted draft resolutions I and II submitted by the Sixth Committee (para. 126 above). For the final texts, see resolutions 1966 (XVIII) and 1967 (XVIII), respectively, below.

1966 (XVIII). Consideration of principles of international law concerning friendly relations and co-operation among States in accordance with the Charter of the United Nations

The General Assembly,

Bearing in mind Article 13, paragraph 1a, of the Charter of the United Nations,

¹² The delegation of Morocco subsequently informed the Secretariat that Morocco wished to be included among the countries which had voted for the draft resolution.

Recalling its resolutions 1505 (XV) of 12 December 1960, 1686 (XVI) of 18 December 1961 and 1815 (XVII) of 18 December 1962, which affirm the importance of encouraging the progressive development of international law and its codification and making it a more effective means of furthering the purposes and principles set forth in Articles 1 and 2 of the Charter,

Having decided in paragraph 2 of resolution 1815 (XVII) to undertake, pursuant to Article 13 of the Charter, a study of the principles of international law concerning friendly relations and co-operation among States in accordance with the Charter with a view to their progressive development and codification, so as to secure their more effective application, and, accordingly, to study at the eighteenth session the four principles enumerated in paragraph 3 thereof,

1. *Decides* to establish a Special Committee on Principles of International Law concerning Friendly Relations and Co-operation among States—composed of Member States to be appointed by the President of the General Assembly, taking into consideration the principle of equitable geographical representation and the necessity that the principal legal systems of the world should be represented—which would draw a report containing, for the purpose of the progressive development and codification of the four principles so as to secure their more effective application, the conclusions of its study and its recommendations, taking into account in particular:

(a) The practice of the United Nations and of States in the application of the principles established in the Charter of the United Nations;

(b) The comments submitted by Governments on this subject in accordance with paragraph 4 of resolution 1815 (XVII);

(c) The views and suggestions advanced by the representatives of Member States during the seventeenth and eighteenth sessions of the General Assembly;

2. *Recommends* the Governments of the States designated members of the Special Committee, in view of the general importance and the technical aspect of the item, to appoint jurists as their representatives on the Special Committee;

3. *Requests* the Special Committee to start its work as soon as possible and to submit its report to the General Assembly at its nineteenth session;

4. *Requests* the Secretary-General to co-operate with the Special Committee in its work, and to provide all the services and facilities necessary for its meetings, including:

(a) A systematic summary of the comments, statements, proposals and suggestions of Member States on this item;

(b) A systematic summary of the practice of the United Nations and views expressed in the United Nations by Member States in respect of the four principles;

(c) Such other material as he deems relevant;

5. *Decides* to place an item entitled “Consideration of principles of international law concerning friendly relations and co-operation among States in accordance with the Charter of the United Nations” on the provisional agenda of its nineteenth session in order to consider the report of the Special Committee and to study, in accordance with operative paragraphs 2 and 3 (d) of resolution 1815 (XVII), the following principles:

(a) The duty of States to co-operate with one another in accordance with the Charter;

(b) The principle of equal rights and self-determination of peoples;

(c) The principle that States shall fulfil in good faith the obligations assumed by them in accordance with the Charter;

6. *Invites* Member States to submit in writing to the Secretary-General, before 1 July 1964, any views or suggestions they may have regarding the principles enumerated in paragraph 5 above, and further urges those Member States which have not already done so to submit by that date their views in accordance with paragraph 4 of resolution 1815 (XVII);

7. *Requests* the Secretary-General to communicate to Member States, before the beginning of the nineteenth session, the comments requested in paragraph 6 above.

*1281st plenary meeting
16 December 1963*

* * *

The President of the General Assembly, in pursuance of paragraph 1 of the above resolution, appointed the members of the Special Committee on Principles of International Law concerning Friendly Relations and Co-operation among States (see A/5689).

The Special Committee will be composed of the following Member States: AFGHANISTAN, ARGENTINA, AUSTRALIA, CAMEROON, CANADA, CZECHOSLOVAKIA, DAHOMEY, FRANCE, GHANA, GUATEMALA, INDIA, ITALY, JAPAN, LEBANON, MADAGASCAR, MEXICO, NETHERLANDS, NIGERIA, POLAND, ROMANIA, SWEDEN, UNION OF SOVIET SOCIALIST REPUBLICS, UNITED ARAB REPUBLIC, UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND, UNITED STATES OF AMERICA, VENEZUELA and YUGOSLAVIA.

1967 (XVIII). Question of methods of fact-finding

The General Assembly,

Recalling that in its resolution 1815 (XVII) of 18 December 1962 the principle that States shall settle their international disputes by peaceful means in such a manner that international peace and security and justice are not endangered is mentioned as one of the principles to be studied at the eighteenth session of the General Assembly,

Recognizing the need to promote further development and strengthening of various means of settling disputes, as described in Article 33 of the Charter of the United Nations,

Considering that, in Article 33 of the Charter, inquiry is mentioned as one of the peaceful means by which the parties to any dispute, the continuance of which is likely to endanger the maintenance of international peace and security, shall seek a solution,

Considering further that inquiry, investigation and other methods of fact-finding are also referred to in other instruments of a general or regional nature,

Believing that an important contribution to the peaceful settlement of disputes and to the prevention of such disputes could be made by providing for impartial fact-finding within the framework of international organizations and in bilateral and multilateral conventions,

Taking into account that, with regard to methods of fact-finding in international relations, a considerable practice is available to be studied for the purpose of the progressive development of such methods,

Believing that such a study might include the feasibility and desirability of establishing a special international body for fact-finding or of entrusting to an existing organization fact-finding responsibilities complementary to existing arrangements and without prejudice to the right of parties to any dispute to seek other peaceful means of settlement of their own choice,

1. *Invites* Member States to submit in writing to the Secretary-General, before 1 June 1964, any views they may have on this subject and requests the Secretary-General to communicate these comments to Member States before the beginning of the nineteenth session;

2. *Requests* the Secretary-General to study the relevant aspects of the problem under consideration and to report on the results of such study to the General Assembly at its nineteenth session and to the Special Committee on Principles of International Law concerning

Friendly Relations and Co-operation among States established under General Assembly resolution 1966 (XVIII) of 16 December 1963;

3. *Requests* the Special Committee to include in its deliberations the subject-matter mentioned in the last preambular paragraph of the present resolution.

*1281st plenary meeting
16 December 1963*

7. TECHNICAL ASSISTANCE TO PROMOTE THE TEACHING, STUDY, DISSEMINATION AND WIDER APPRECIATION OF INTERNATIONAL LAW: REPORT OF THE SECRETARY-GENERAL WITH A VIEW TO THE STRENGTHENING OF THE PRACTICAL APPLICATION OF INTERNATIONAL LAW (AGENDA ITEM 72)

(a) Report of the Sixth Committee¹

*[Original text: English and Russian]
[13 December 1963]*

INTRODUCTION

1. At the seventeenth session of the General Assembly, during the debate in the Sixth Committee on the item "Consideration of principles of international law concerning friendly relations and co-operation among States in accordance with the Charter of the United Nations", the question of technical assistance to promote the teaching, study, dissemination and wider appreciation of international law was raised as a related question.² Subsequently, the General Assembly, at its seventeenth session, adopted resolution 1816 (XVII) on 18 December 1962, entitled "Technical assistance to promote the teaching, study, dissemination and wider appreciation of international law". The operative part of that resolution stated the following:

"1. *Urges* Member States to undertake broad programmes of training, including seminars, grants and exchanges of teachers, students and fellows, as well as exchanges of publications in the field of international law;

"2. *Requests* the Secretary-General, together with the Director-General of the United Nations Educational, Scientific and Cultural Organization and in consultation with Member States, to study ways in which Members could be aided, through the United Nations system and other channels, in establishing and developing such programmes, including in this context the possibility of proclaiming a United Nations Decade of International Law dedicated to the dissemination of international law, and to report on the results of such study to the General Assembly at its eighteenth session;

"3. *Decides* to include in the provisional agenda of its eighteenth session an item entitled "Technical assistance to promote the teaching, study, dissemination and wider appreciation of international law: report of the Secretary-General with a view to the strengthening of the practical application of international law".

¹ Document A/5672, reproduced from *Official Records of the General Assembly, Eighteenth Session, Annexes*, agenda item 72.

² *Official Records of the General Assembly, Seventeenth Session, Annexes*, agenda item 75, document A/5356.

2. Pursuant to this resolution the Secretary-General, by a letter and attached questionnaire of 30 March 1963, invited Member States to supply information and comment on various points relevant to paragraphs 1 and 2 of the resolution. A similar invitation was addressed to fourteen international organizations and institutions active in the field of international law. Thirty-eight Governments and ten international organizations and institutions replied to these communications (see A/5455 and Add.1-6).

3. On the basis of these consultations and in conjunction with the Director-General of the United Nations Educational, Scientific and Cultural Organization (UNESCO), the Secretary-General made the study requested in operative paragraph 2 of the above resolution and reported the results of it to the eighteenth session of the General Assembly (A/5585 and Corr.1).

4. At its 1210th plenary meeting, held on 20 September 1963, the General Assembly decided to include the item entitled "Technical assistance to promote the teaching, study, dissemination and wider appreciation of international law: report of the Secretary-General with a view to the strengthening of the practical application of international law" in the agenda of its eighteenth session and to allocate that item to the Sixth Committee.

5. The Sixth Committee considered the item at its 826th to 828th, 830th and 834th to 836th meetings, held from 5 to 7 December and from 11 to 12 December 1963.

6. At its 828th meeting, the Committee established a Working Group constituted of the representatives of States which sponsored last year's resolution on this item and amendments thereto, namely, Afghanistan, Belgium, Ghana and Ireland. The Working Group was requested to prepare a draft resolution based on the views expressed in the general debate on this item.

PROPOSALS AND AMENDMENTS

7. The Working Group submitted a report with a draft resolution annexed thereto (A/C.6/L.544). The operative paragraphs of part A read as follows:

"1. *Decides* to establish a special committee... for the purpose of drawing up a practical plan and proposals, taking into account:

"(a) The suggestions made by the Secretary-General in his report (A/5585 and Corr.1),

"(b) Proposals, suggestions and information submitted by Member States and international organizations and institutions,

"(c) The views and suggestions made by the representatives of Member States during the seventeenth and eighteenth sessions of the General Assembly;

"2. *Requests* the Special Committee to complete its report in sufficient time so that it may submit the report to the Technical Assistance Committee at its session to be held in June 1964;

"3. *Requests* the Secretary-General to provide the Special Committee with such facilities and assistance as may be made available within existing resources;

"4. *Decides* to place an item entitled Technical assistance to promote the teaching, study, dissemination and wider appreciation of international law on the provisional agenda of its nineteenth session to be discussed by the Sixth Committee as early as possible at its next session."

The operative paragraphs of part B read as follows:

"1. *Requests* the Technical Assistance Committee to consider the report of the Secretary-General (A/5585 and Corr.1) and the report of the Special Committee as envisaged in part A of this resolution, and to advise, in the light of these reports, the extent to which

technical assistance programmes for the purpose of strengthening the practical application of international law could be implemented within the Expanded Programme of Technical Assistance, with particular attention to the kinds of technical assistance which would be acceptable under existing objects and principles of the Expanded Programme;

“2. *Invites* the Technical Assistance Committee, to the extent that revision in the existing principles and objects would be required in order to make country requests in the field of international law acceptable for Expanded Programme financing, to suggest to the Economic and Social Council and to the General Assembly any necessary changes in the legislation governing the Expanded Programme of Technical Assistance;

“3. *Further invites* the Technical Assistance Committee, in the light of General Assembly resolutions 1797 (XVII) and 1768 (XVII), at a suitable time in its consideration of the annual levels of the Secretary-General’s initial estimates for part V of the regular budget, to include in its recommendations such views as it may deem necessary on the question of the possible provision of funds under part V for programmes of technical assistance in the field of international law.”

The operative paragraphs of part C read as follows:

“1. *Requests* UNESCO to collect from Member States on a periodic basis detailed information on training in international law offered by their universities and institutions of higher education and to transmit it to the Secretary-General for circulation to Member States;

“2. *Invites* Member States to offer fellowships in the field of international law for foreign students at their universities and institutions of higher education;

“3. *Calls upon* Member States to consider the inclusion, in their programme of cultural exchanges, of provision for the exchange of teachers, students, experts, books and other publications in the field of international law;

“4. *Requests* the Secretary-General to inform organizations or institutions in the field of international law of topics which are before the Sixth Committee, the International Law Commission or other organs of the United Nations dealing with legal problems so that such organizations or institutions might consider including these topics in their own programmes of work;

“5. *Invites* Member States, interested international or national organizations and institutions or individuals to make voluntary contributions to the United Nations programmes of technical assistance to promote the teaching, study, dissemination and wider appreciation of international law and authorizes the Secretary-General to accept contributions made specifically for this purpose.”

8. At the 835th meeting the representative of Ghana informed the Committee orally that the Working Group had made the following changes in its draft resolutions.

(a) Operative paragraph 2 in part A was amended to read as follows:

“*Requests* the Special Committee to report to the General Assembly at its nineteenth session;”

(b) The beginning of operative paragraph 1 in part B was amended to read as follows:

“*Requests* the Technical Assistance Committee to consider the report of the Secretary-General (A/5585) and to advise the Special Committee and the General Assembly, in the light of this report, on the extent to which technical assistance programmes. . .”;

(c) Paragraph 2 in part B was deleted;

(d) Paragraph 3 was renumbered and the word “*Further*” deleted.

9. The representative of the United Arab Republic orally submitted at the same meeting two amendments:

(a) To add a new sub-paragraph (d) to operative paragraph 1 in part A reading as follows:

“(d) Any other proposals or views which Member States may submit to the Secretary-General for transmission to the Special Committee, before 15 February 1964;”

(b) To add the words “and the international regional organizations” at the end of paragraph 1 in part C.

10. The first amendment of the representative of the United Arab Republic was accepted by the Working Group. The second amendment was withdrawn.

11. At the same meeting the representative of Afghanistan orally submitted three amendments:

(a) To replace the words “thorough knowledge” in the fifth preambular paragraph of part A by the words “wider appreciation”;

(b) To add a new sub-paragraph to operative paragraph 1 of part A, reading as follows:

“(d) The views and suggestions of the Technical Assistance Committee on the possibility of rendering assistance”;

(c) To replace operative paragraph 5 in part C by the following three new paragraphs:

“5. *Invites* Member States, interested international or national organizations and institutions or individuals to make voluntary contributions to the United Nations programmes of technical assistance to promote the teaching, study, dissemination and wider appreciation of international law;

“6. *Authorizes* the Secretary-General to accept on behalf of the United Nations contributions made specifically for this purpose;

“7. *Further requests* the Secretary-General to inform the General Assembly accordingly.”

12. The second amendment of Afghanistan was later withdrawn.

13. The representative of Afghanistan proposed orally at the Committee's 836th meeting that, in order to accommodate a point raised by the representative of the Union of Soviet Socialist Republics, parts A, B and C of the draft resolution should be considered as three separate draft resolutions. Consequently, the first three preambular paragraphs of part A were added to parts B and C of the original draft resolution.

DEBATE

14. The representatives who intervened in the debate stressed the positive role which international law had to play in governing international relations and expressed the view that this role might be strengthened through improved teaching and study and wider dissemination of international law.

15. Certain representatives expressed the view that a programme of assistance and exchange in the field of international law might contribute to the promotion of the law itself.

16. Many representatives considered that broader dissemination of international law was necessary and that education in international law should be generally directed on the basis of principles of the United Nations Charter, with the view to strengthening peaceful co-operation and understanding among nations.

17. Representatives were in general agreement that a programme of assistance and exchange in the field of international law should be initiated, covering certain of the elements contained in paragraphs 52-93 of the report of the Secretary-General. Some stressed, however, that no United Nations programme should duplicate or compete with programmes carried out by Governments or by other organizations and institutions and that this should be a selective programme, satisfying the needs of developing Member States. Some of the representatives stated that a comprehensive study of those needs would be necessary.

18. Representatives attached particular importance to various elements which might comprise part of the programme to be initiated, including the organization of regional training courses and centres, organization of seminars, universal and regional, and granting of fellowships for study and research abroad. They also stressed the need for exchange of teachers and students, advisory services to countries requesting this assistance, exchange of books and assistance to libraries of new States, training of Foreign Service officials, one of the possibilities being the advanced training provided directly by the United Nations, training of teachers, etc. Some representatives showed interest in obtaining assistance for their countries from abroad, others offered assistance and expressed the wish to participate in international exchange. It was pointed out that only some of these projects would be suitable for United Nations action, for financial and other reasons; others might better be left to Governments and other institutions.

19. Czechoslovakia offered five fellowships for training in international law at its universities for candidates from developing countries. Some representatives offered facilities for holding seminars and other meetings or the establishment of regional centres in their respective countries. The view was expressed that United Nations publications should get the widest possible circulation, that they should be developed and brought up-to-date, that appropriate United Nations documentation should be provided to new Member States, and that States should publish digests of their practice in international law. Some representatives thought that institutions like The Hague Academy of International Law should be encouraged. One delegation proposed the establishment of a United Nations university for the study of international law.

20. Several representatives provided the Committee with information on the teaching and dissemination of international law in their respective countries.

21. Most of the representatives who intervened in the debate supported the idea of a Decade of International Law, including, among others, the suggestions expressed by Member States and summarized in the Secretary-General's report (A/5585 and Corr.1, para. 47). Some representatives stressed, however, that the idea of a decade required further study. One representative considered that the idea might give rise to undue expectations, being a programme of relatively short duration and with modest means, and was therefore unprofitable.

22. Some of the representatives drew attention to the fact that financial resources available would at present limit any ambitious programme. Some of them suggested therefore that the United Nations should now undertake only activities not requiring additional finance and that other forms of assistance and exchange in this field be further studied.

23. Certain representatives suggested, in this respect, extending the present technical assistance programmes to the field of international law and stated that full use should be made of existing resources, both Governmental and private. Some representatives suggested that economically developed States should make special contributions to this programme. One representative stated that the regular budget should not be used for the financing of technical assistance and that the Expanded Programme of Technical Assistance should be used mainly for the industrial and economic development of the recipient countries. Another representative considered that social and legal development was closely connected with economic development, that assistance in international law did not differ very much from that

provided in the social and human rights fields and that all financial resources should be explored and used.

24. During the debate on the report of the Working Group (A/C.6/L.544) and on the draft resolution annexed to it, certain representatives stated that they would support the draft resolution as a first step in the right direction. Some representatives strongly opposed the proposal that the General Assembly should consult the Technical Assistance Committee before the Assembly had the opportunity to consider the results of the work of the Special Committee.

25. At the 834th meeting of the Committee, the representative of the Secretary-General stated, in compliance with rule 154 of the rules of procedure of the General Assembly, that no additional expenditures would arise if the Assembly were to adopt the draft resolution as contained and as elaborated upon in the Working Group's report. At the 836th meeting of the Committee he further explained that this previous statement was based upon the understanding that the Special Committee would either meet in Geneva and work in only one language, or at Headquarters in August 1964 when it could be serviced within existing appropriations.

26. The representative of UNESCO stated that the Director-General of UNESCO would be prepared to undertake the function conferred on that organization in draft resolution C, provided that this did not involve any new expenditure for the agency during 1965 and 1966.

27. At the 836th meeting the Chairman informed the Committee that the Special Committee would consist of the representatives of Afghanistan, Belgium, Ecuador, Ghana, Hungary and Ireland and that it would hold its meeting at United Nations Headquarters in August 1964.

VOTING

28. At its 836th meeting, on 12 December 1963, the Sixth Committee adopted the three draft resolutions. The results of the voting were as follows:

(a) The oral amendment of Afghanistan to consider parts A, B and C of the draft resolution, submitted by the Working Group as three separate draft resolutions and to add to parts B and C, as a preamble, the first three paragraphs of the preamble to part A, was adopted by the Committee by 65 votes to none, with 6 abstentions;

(b) Draft resolution A, as amended, was adopted unanimously;

(c) At the request of the representative of the Union of Soviet Socialist Republics a separate vote was taken on operative paragraph 2 of draft resolution B. This paragraph was retained in the resolution by a vote of 58 to 10 and 4 abstentions. Draft resolution B as a whole, as amended, was adopted by a vote of 61 to 10, with 1 abstention;

(d) Draft resolution C, as amended, was adopted unanimously.

Recommendation of the Sixth Committee

29. The Sixth Committee, therefore, recommends to the General Assembly the adoption of the following draft resolutions:

[Texts adopted by the General Assembly without change. See "Resolution adopted by the General Assembly" below.]

(b) Resolution adopted by the General Assembly

At its 1281st plenary meeting, on 16 December 1963, the General Assembly adopted draft resolutions A, B and C, submitted by the Sixth Committee (para. 29 above). For the final texts, see resolution 1968 (XVIII) below.

1968 (XVIII). Technical assistance to promote the teaching, study, dissemination and wider appreciation of international law

A

The General Assembly,

Recalling its resolution 1816 (XVII) of 18 December 1962 on technical assistance to promote the teaching, study, dissemination and wider appreciation of international law,

Recalling that the General Assembly, as early as 1947, by its resolution 176 (II) of 21 November 1947, requested the Governments of Member States to take appropriate measures to extend the teaching of international law in all its phases, including its development and codification, in universities and institutions of higher education,

Having considered the report of the Secretary-General (A/5585) which contains certain practical suggestions relating to the proclamation of a United Nations decade of international law and to an initial programme of assistance and exchange in the field of international law,

Taking into account the valuable proposals, suggestions and information submitted by Member States and international organizations and institutions,

Believing that the promotion, dissemination and wider appreciation of international law and its teaching in universities and institutions of higher education contribute to the progressive development of international law and to friendly relations and co-operation among States,

Believing further that, for the practical implementation of the provisions of resolution 1816 (XVII), a comprehensive study of the suggestions and proposals made by Member States, international organizations and institutions as well as by the Secretary-General is required,

1. *Decides* to establish a Special Committee on Technical Assistance to Promote the Teaching, Study, Dissemination and Wider Appreciation of International Law—composed of Afghanistan, Belgium, Ecuador, Ghana, Hungary and Ireland—for the purpose of drawing up a practical plan and proposals, taking into account:

(a) The suggestions made by the Secretary-General in his report;

(b) The proposals, suggestions and information submitted by Member States and by international organizations and institutions;

(c) The views and suggestions made by the representatives of Member States during the seventeenth and eighteenth sessions of the General Assembly;

(d) Any other proposals or views which Member States may submit to the Secretary-General for transmission to the Special Committee before 15 February 1964;

2. *Requests* the Special Committee to report to the General Assembly at its nineteenth session;

3. *Requests* the Secretary-General to provide the Special Committee with such facilities and assistance as may be made available within existing resources;

4. *Decides* to include an item entitled “Technical assistance to promote the teaching, study, dissemination and wider appreciation of international law” in the provisional agenda of its nineteenth session, to be discussed by the Sixth Committee as early as possible at that session.

*1281st plenary meeting
16 December 1963*

B

The General Assembly,

Recalling its resolution 1816 (XVII) of 18 December 1962 on technical assistance to promote the teaching, study, dissemination and wider appreciation of international law,

Recalling that the General Assembly, as early as 1947, by its resolution 176 (II) of 21 November 1947, requested the Governments of Member States to take appropriate measures to extend the teaching of international law in all its phases, including its development and codification, in universities and institutions of higher education,

Having considered the report of the Secretary-General (A/5585), which contains certain practical suggestions relating to the proclamation of a United Nations decade of international law and to an initial programme of assistance and exchange in the field of international law,

1. *Requests* the Technical Assistance Committee to consider the report of the Secretary-General and to advise the Special Committee, established under resolution 1968 A (XVIII) above, and the General Assembly, in the light of this report, on the extent to which technical assistance programmes for the purpose of strengthening the practical application of international law could be implemented within the Expanded Programme of Technical Assistance, with particular attention to the kinds of technical assistance which would be acceptable under existing objects and principles of the Expanded Programme;

2. *Invites* the Technical Assistance Committee, in the light of General Assembly resolutions 1768 (XVII) of 23 November 1962 and 1797 (XVII) of 11 December 1962, at a suitable time in its consideration of the annual levels of the Secretary-General's initial estimates for part V of the regular budget, to include in its recommendations such views as it may deem necessary on the question of the possible provision of funds under part V for programmes of technical assistance in the field of international law.

*1281st plenary meeting
16 December 1963*

C

The General Assembly,

Recalling its resolution 1816 (XVII) of 18 December 1962 on technical assistance to promote the teaching, study, dissemination and wider appreciation of international law,

Recalling that the General Assembly, as early as 1947, by its resolution 176 (II) of 21 November 1947, requested the Governments of Member States to take appropriate measures to extend the teaching of international law in all its phases, including its development and codification, in universities and institutions of higher education,

Having considered the report of the Secretary-General (A/5585), which contains certain practical suggestions relating to the proclamation of a United Nations decade of international law and to an initial programme of assistance and exchange in the field of international law,

1. *Requests* the United Nations Educational, Scientific and Cultural Organization to collect from Member States on a periodic basis detailed information on training in international law offered by their universities and institutions of higher education and to transmit it to the Secretary-General for circulation to Member States;
2. *Invites* Member States to offer foreign students fellowships in the field of international law at their universities and institutions of higher education;
3. *Calls upon* Member States to consider the inclusion, in their programmes of cultural exchange, of provision for the exchange of teachers, students and experts, as well as books and other publications in the field of international law;
4. *Requests* the Secretary-General to inform organizations or institutions in the field of international law of topics which are before the Sixth Committee, the International Law Commission or other organs of the United Nations dealing with legal problems, so that such organizations or institutions might consider including these topics in their own programmes of work;
5. *Invites* Member States, interested international or national organizations and institutions or individuals to make voluntary contributions to the United Nations programmes of technical assistance to promote the teaching, study, dissemination and wider appreciation of international law;
6. *Authorizes* the Secretary-General to accept on behalf of the United Nations contributions made specifically for this purpose;
7. *Further requests* the Secretary-General to inform the General Assembly accordingly.

*1281st plenary meeting
16 December 1963*

8. URGENT NEED FOR SUSPENSION OF NUCLEAR AND THERMO-NUCLEAR TESTS (AGENDA ITEM 73)

Resolution adopted by the General Assembly

1910 (XVIII). Urgent need for suspension of nuclear and thermo-nuclear tests

The General Assembly,

Fully aware of its responsibility with regard to the question of nuclear weapon testing and of the views of world public opinion on this matter,

Noting with approval the Treaty banning nuclear weapon tests in the atmosphere, in outer space and under water,¹ signed on 5 August 1963 by the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland and the United States of America, and subsequently by a great number of other countries

Noting further with satisfaction that in the preamble of that Treaty the parties state that they are seeking to achieve the discontinuance of all test explosions of nuclear weapons for all time and are determined to continue negotiations to this end,

1. *Calls upon* all States to become parties to the Treaty banning nuclear weapon tests in the atmosphere, in outer space and under water, and to abide by its spirit and provisions;

¹ Text reproduced in this *Yearbook*, pp. 107.

2. *Requests* the Conference of the Eighteen-Nation Committee on Disarmament to continue with a sense of urgency its negotiations to achieve the objectives set forth in the preamble of the Treaty;

3. *Requests* the Eighteen-Nation Committee to report to the General Assembly at the earliest possible date and, in any event, not later than at the nineteenth session;

4. *Requests* the Secretary-General to make available to the Eighteen-Nation Committee the documents and records of the plenary meetings of the General Assembly and the meetings of the First Committee at which the item relating to nuclear testing was discussed.

*1265th plenary meeting
27 November 1963*

Chapter IV

TREATIES CONCERNING INTERNATIONAL LAW CONCLUDED UNDER THE AUSPICES OF THE UNITED NATIONS AND RELATED INTER-GOVERNMENTAL ORGANIZATIONS

1. United Nations

- (a) Treaty banning nuclear weapon tests in the atmosphere, in outer space and under water.¹ Signed at Moscow, on 5 August 1963

The Governments of the United Kingdom of Great Britain and Northern Ireland, the Union of Soviet Socialist Republics, and the United States of America, hereinafter referred to as the "Original Parties,"

Proclaiming as their principal aim the speediest possible achievement of an agreement on general and complete disarmament under strict international control in accordance with the objectives of the United Nations which would put an end to the armaments race and eliminate the incentive to the production and testing of all kinds of weapons, including nuclear weapons,

Seeking to achieve the discontinuance of all test explosions of nuclear weapons for all time, determined to continue negotiations to this end, and desiring to put an end to the contamination of man's environment by radioactive substances,

Have agreed as follows:

Article I

1. Each of the Parties to this Treaty undertakes to prohibit, to prevent, and not to carry out any nuclear weapon test explosion, or any other nuclear explosion, at any place under its jurisdiction or control:

(a) in the atmosphere; beyond its limits, including outer space; or underwater, including territorial waters or high seas; or

(b) in any other environment if such explosion causes radioactive debris to be present outside the territorial limits of the State under whose jurisdiction or control such explosion is conducted. It is understood in this connection that the provisions of this subparagraph are without prejudice to the conclusion of a treaty resulting in the permanent banning of all nuclear test explosions, including all such explosions underground, the conclusion of which, as the Parties have stated in the Preamble to this Treaty, they seek to achieve.

¹ Came into force on 10 October 1963, the date of deposit of the instruments of ratification by the Governments of the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland and the United States of America with each of the three depositary governments, in accordance with paragraph 3 of article III. By its resolution 1910 (XVIII) of 27 November 1963, the General Assembly noted the Treaty with approval and called upon all States to become parties to it and to abide by its spirit and provisions (See p. 105 of this *Yearbook*).

2. Each of the Parties to this Treaty undertakes furthermore to refrain from causing, encouraging, or in any way participating in, the carrying out of any nuclear weapon test explosion, or any other nuclear explosion, anywhere which would take place in any of the environments described, or have the effect referred to, in paragraph 1 of this Article.

Article II

1. Any Party may propose amendments to this Treaty. The text of any proposed amendment shall be submitted to the Depositary Governments which shall circulate it to all Parties to this Treaty. Thereafter, if requested to do so by one-third or more of the parties, the Depositary Governments shall convene a conference, to which they shall invite all the Parties, to consider such amendment.

2. Any amendment to this Treaty must be approved by a majority of the votes of all the Parties to this Treaty, including the votes of all of the Original Parties. The amendment shall enter into force for all Parties upon the deposit of instruments of ratification by a majority of all the Parties, including the instruments of ratification of all of the Original Parties.

Article III

1. This Treaty shall be open to all States for signature. Any State which does not sign this Treaty before its entry into force in accordance with paragraph 3 of this Article may accede to it at any time.

2. This Treaty shall be subject to ratification by signatory States. Instruments of ratification and instruments of accession shall be deposited with the Governments of the Original Parties—the United Kingdom of Great Britain and Northern Ireland, the Union of Soviet Socialist Republics, and the United States of America—which are hereby designated the Depositary Governments.

3. This Treaty shall enter into force after its ratification by all the Original Parties and the deposit of their instruments of ratification.

4. For States whose instruments of ratification or accession are deposited subsequent to the entry into force of this Treaty, it shall enter into force on the date of the deposit of their instruments of ratification or accession.

5. The Depositary Governments shall promptly inform all signatory and acceding States of the date of each signature, the date of deposit of each instrument of ratification of and accession to this Treaty, the date of its entry into force, and the date of receipt of any requests for conferences or other notices.

6. This Treaty shall be registered by the Depositary Governments pursuant to Article 102 of the Charter of the United Nations.

Article IV

This Treaty shall be of unlimited duration.

Each Party shall in exercising its national sovereignty have the right to withdraw from the Treaty if it decides that extraordinary events, related to the subject matter of this Treaty, have jeopardized the supreme interests of its country. It shall give notice of such withdrawal to all other Parties to the Treaty three months in advance.

Article V

This Treaty, of which the English and Russian texts are equally authentic, shall be deposited in the archives of the Depositary Governments. Duly certified copies of this

Treaty shall be transmitted by the Depository Governments to the Governments of the signatory and acceding States.

IN WITNESS WHEREOF the undersigned, duly authorized, have signed this Treaty.

DONE in triplicate at the city of Moscow the fifth day of August, one thousand nine hundred and sixty-three.

For the Government of the
United Kingdom of
Great Britain and North-
ern Ireland

HOME

For the Government of the
Union of Soviet Socialist
Republics

A. ГРОМБИКО

For the Government of the
United States of America

Dean RUSK

(b) Vienna Convention on Consular Relations. Done at Vienna, on 24 April 1963

The States Parties to the present Convention,

Recalling that consular relations have been established between peoples since ancient times,

Having in mind the Purposes and Principles of the Charter of the United Nations concerning the sovereign equality of States, the maintenance of international peace and security, and the promotion of friendly relations among nations,

Considering that the United Nations Conference on Diplomatic Intercourse and Immunities adopted the Vienna Convention on Diplomatic Relations which was opened for signature on 18 April 1961,

Believing that an international convention on consular relations, privileges and immunities would also contribute to the development of friendly relations among nations, irrespective of their differing constitutional and social systems,

Realizing that the purpose of such privileges and immunities is not to benefit individuals but to ensure the efficient performance of functions by consular posts on behalf of their respective States,

Affirming that the rules of customary international law continue to govern matters not expressly regulated by the provisions of the present Convention,

Have agreed as follows:

Article 1

Definitions

1. For the purposes of the present Convention, the following expressions shall have the meanings hereunder assigned to them:

(a) "consular post" means any consulate-general, consulate, vice-consulate or consular agency;

(b) "consular district" means the area assigned to a consular post for the exercise of consular functions;

(c) "head of consular post" means the person charged with the duty of acting in that capacity;

(d) “consular officer” means any person, including the head of a consular post, entrusted in that capacity with the exercise of consular functions;

(e) “consular employee” means any person employed in the administrative or technical service of a consular post;

(j) “member of the service staff” means any person employed in the domestic service of a consular post;

(g) “members of the consular post” means consular officers, consular employees and members of the service staff;

(h) “members of the consular staff” means consular officers, other than the head of a consular post, consular employees and members of the service staff;

(i) “member of the private staff” means a person who is employed exclusively in the private service of a member of the consular post;

(j) “consular premises” means the buildings or parts of buildings and the land ancillary thereto, irrespective of ownership, used exclusively for the purposes of the consular post;

(k) “consular archives” includes all the papers, documents, correspondence, books, films, tapes and registers of the consular post, together with the ciphers and codes, the card-indexes and any article of furniture intended for their protection or safekeeping.

2. Consular officers are of two categories, namely career consular officers and honorary consular officers. The provisions of Chapter II of the present Convention apply to consular posts headed by career consular officers, the provisions of Chapter III govern consular posts headed by honorary consular officers.

3. The particular status of members of the consular posts who are nationals or permanent residents of the receiving State is governed by Article 71 of the present Convention.

CHAPTER I. CONSULAR RELATIONS IN GENERAL

SECTION I. ESTABLISHMENT AND CONDUCT OF CONSULAR RELATIONS

Article 2

Establishment of consular relations

1. The establishment of consular relations between States takes place by mutual consent.

2. The consent given to the establishment of diplomatic relations between two States implies, unless otherwise stated, consent to the establishment of consular relations.

3. The severance of diplomatic relations shall not *ipso facto* involve the severance of consular relations.

Article 3

Exercise of consular functions

Consular functions are exercised by consular posts. They are also exercised by diplomatic missions in accordance with the provisions of the present Convention.

Article 4

Establishment of a consular post

1. A consular post may be established in the territory of the receiving State only with that State’s consent.

2. The seat of the consular post, its classification and the consular district shall be established by the sending State and shall be subject to the approval of the receiving State.

3. Subsequent changes in the seat of the consular post, its classification or the consular district may be made by the sending State only with the consent of the receiving State.

4. The consent of the receiving State shall also be required if a consulate-general or a consulate desires to open a vice-consulate or a consular agency in a locality other than that in which it is itself established.

5. The prior express consent of the receiving State shall also be required for the opening of an office forming part of an existing consular post elsewhere than at the seat thereof.

Article 5

Consular functions

Consular functions consist in:

(a) protecting in the receiving State the interests of the sending State and of its nationals, both individuals and bodies corporate, within the limits permitted by international law;

(b) furthering the development of commercial, economic, cultural and scientific relations between the sending State and the receiving State and otherwise promoting friendly relations between them in accordance with the provisions of the present Convention;

(c) ascertaining by all lawful means conditions and developments in the commercial, economic, cultural and scientific life of the receiving State, reporting thereon to the Government of the sending State and giving information to persons interested;

(d) issuing passports and travel documents to nationals of the sending State, and visas or appropriate documents to persons wishing to travel to the sending State;

(e) helping and assisting nationals, both individuals and bodies corporate, of the sending State;

(f) acting as notary and civil registrar and in capacities of a similar kind, and performing certain functions of an administrative nature, provided that there is nothing contrary thereto in the laws and regulations of the receiving State;

(g) safeguarding the interests of nationals, both individuals and bodies corporate, of the sending State in cases of succession *mortis causa* in the territory of the receiving State, in accordance with the laws and regulations of the receiving State;

(h) safeguarding, within the limits imposed by the laws and regulations of the receiving State, the interests of minors and other persons lacking full capacity who are nationals of the sending State, particularly where any guardianship or trusteeship is required with respect to such persons;

(i) subject to the practices and procedures obtaining in the receiving State, representing or arranging appropriate representation for nationals of the sending State before the tribunals and other authorities of the receiving State, for the purpose of obtaining, in accordance with the laws and regulations of the receiving State, provisional measures for the preservation of the rights and interests of these nationals, where, because of absence or any other reason, such nationals are unable at the proper time to assume the defence of their rights and interests;

(j) transmitting judicial and extra-judicial documents or executing letters rogatory or commissions to take evidence for the courts of the sending State in accordance with international agreements in force or, in the absence of such international agreements, in any other manner compatible with the laws and regulations of the receiving State;

(k) exercising rights of supervision and inspection provided for in the laws and regulations of the sending State in respect of vessels having the nationality of the sending State, and of aircraft registered in that State, and in respect of their crews;

(l) extending assistance to vessels and aircraft mentioned in sub-paragraph (k) of this Article, and to their crews, taking statements regarding the voyage of a vessel, examining and stamping the ship's papers, and, without prejudice to the powers of the authorities of the receiving State, conducting investigations into any incidents which occurred during the voyage, and settling disputes of any kind between the master, the officers and the seamen in so far as this may be authorized by the laws and regulations of the sending State;

(m) performing any other functions entrusted to a consular post by the sending State which are not prohibited by the laws and regulations of the receiving State or to which no objection is taken by the receiving State or which are referred to in the international agreements in force between the sending State and the receiving State.

Article 6

Exercise of consular functions outside the consular district

A consular officer may, in special circumstances, with the consent of the receiving State, exercise his functions outside his consular district.

Article 7

Exercise of consular functions in a third State

The sending State may, after notifying the States concerned, entrust a consular post established in a particular State with the exercise of consular functions in another State, unless there is express objection by one of the States concerned.

Article 8

Exercise of consular functions on behalf of a third State

Upon appropriate notification to the receiving State, a consular post of the sending State may, unless the receiving State objects, exercise consular functions in the receiving State on behalf of a third State.

Article 9

Classes of heads of consular posts

1. Heads of consular posts are divided into four classes, namely:

- (a) consuls-general;
- (b) consuls;
- (c) vice-consuls;
- (d) consular agents.

2. Paragraph 1 of this Article in no way restricts the right of any of the Contracting Parties to fix the designation of consular officers other than the heads of consular posts.

Article 10

Appointment and admission of heads of consular posts

1. Heads of consular posts are appointed by the sending State and are admitted to the exercise of their functions by the receiving State.

2. Subject to the provisions of the present Convention, the formalities for the appointment and for the admission of the head of a consular post are determined by the laws, regulations and usages of the sending State and of the receiving State respectively.

Article 11

The consular commission or notification of appointment

1. The head of a consular post shall be provided by the sending State with a document, in the form of a commission or similar instrument, made out for each appointment, certifying his capacity and showing, as a general rule, his full name, his category and class, the consular district and the seat of the consular post.

2. The sending State shall transmit the commission or similar instrument through the diplomatic or other appropriate channel to the Government of the State in whose territory the head of a consular post is to exercise his functions.

3. If the receiving State agrees, the sending State may, instead of a commission or similar instrument, send to the receiving State a notification containing the particulars required by paragraph 1 of this Article.

Article 12

The exequatur

1. The head of a consular post is admitted to the exercise of his functions by an authorization from the receiving State termed an *exequatur*, whatever the form of this authorization.

2. A State which refuses to grant an *exequatur* is not obliged to give to the sending State reasons for such refusal.

3. Subject to the provisions of Articles 13 and 15, the head of a consular post shall not enter upon his duties until he has received an *exequatur*.

Article 13

Provisional admission of heads of consular posts

Pending delivery of the *exequatur*, the head of a consular post may be admitted on a provisional basis to the exercise of his functions. In that case, the provisions of the present Convention shall apply.

Article 14

Notification to the authorities of the consular district

As soon as the head of a consular post is admitted even provisionally to the exercise of his functions, the receiving State shall immediately notify the competent authorities of the consular district. It shall also ensure that the necessary measures are taken to enable the head of a consular post to carry out the duties of his office and to have the benefit of the provisions of the present Convention.

Article 15

Temporary exercise of the functions of the head of a consular post

1. If the head of a consular post is unable to carry out his functions or the position of head of consular post is vacant, an acting head of post may act provisionally as head of the consular post.

2. The full name of the acting head of post shall be notified either by the diplomatic mission of the sending State or, if that State has no such mission in the receiving State, by the head of the consular post, or, if he is unable to do so, by any competent authority of the sending State, to the Ministry for Foreign Affairs of the receiving State or to the authority designated by that Ministry. As a general rule, this notification shall be given in advance. The receiving State may make the admission as acting head of post of a person who is neither a diplomatic agent nor a consular officer of the sending State in the receiving State conditional on its consent.

3. The competent authorities of the receiving State shall afford assistance and protection to the acting head of post. While he is in charge of the post, the provisions of the present Convention shall apply to him on the same basis as to the head of the consular post concerned. The receiving State shall not, however, be obliged to grant to an acting head of post any facility, privilege or immunity which the head of the consular post enjoys only subject to conditions not fulfilled by the acting head of post.

4. When, in the circumstances referred to in paragraph 1 of this Article, a member of the diplomatic staff of the diplomatic mission of the sending State in the receiving State is designated by the sending State as an acting head of post, he shall, if the receiving State does not object thereto, continue to enjoy diplomatic privileges and immunities.

Article 16

Precedence as between heads of consular posts

1. Heads of consular posts shall rank in each class according to the date of the grant of the *exequatur*.

2. If, however, the head of a consular post before obtaining the *exequatur* is admitted to the exercise of his functions provisionally, his precedence shall be determined according to the date of the provisional admission; this precedence shall be maintained after the granting of the *exequatur*.

3. The order of precedence as between two or more heads of consular posts who obtained the *exequatur* or provisional admission on the same date shall be determined according to the dates on which their commissions or similar instruments or the notifications referred to in paragraph 3 of Article 11 were presented to the receiving State.

4. Acting heads of posts shall rank after all heads of consular posts and, as between themselves, they shall rank according to the dates on which they assumed their functions as acting heads of posts as indicated in the notifications given under paragraph 2 of Article 15.

5. Honorary consular officers who are heads of consular posts shall rank in each class after career heads of consular posts, in the order and according to the rules laid down in the foregoing paragraphs.

6. Heads of consular posts shall have precedence over consular officers not having that status.

Article 17

Performance of diplomatic acts by consular officers

1. In a State where the sending State has no diplomatic mission and is not represented by a diplomatic mission of a third State, a consular officer may, with the consent of the receiving State, and without affecting his consular status, be authorized to perform diplomatic acts. The performance of such acts by a consular officer shall not confer upon him any right to claim diplomatic privileges and immunities.

2. A consular officer may, after notification addressed to the receiving State, act as representative of the sending State to any inter-governmental organization. When so acting, he shall be entitled to enjoy any privileges and immunities accorded to such a representative by customary international law or by international agreements; however, in respect of the performance by him of any consular function, he shall not be entitled to any greater immunity from jurisdiction than that to which a consular officer is entitled under the present Convention.

Article 18

Appointment of the same person by two or more States as a consular officer

Two or more States may, with the consent of the receiving State, appoint the same person as a consular officer in that State.

Article 19

Appointment of members of consular staff

1. Subject to the provisions of Articles 20, 22 and 23, the sending State may freely appoint the members of the consular staff.

2. The full name, category and class of all consular officers, other than the head of a consular post, shall be notified by the sending State to the receiving State in sufficient time for the receiving State, if it so wishes, to exercise its rights under paragraph 3 of Article 23.

3. The sending State may, if required by its laws and regulations, request the receiving State to grant an *exequatur* to a consular officer other than the head of a consular post.

4. The receiving State may, if required by its laws and regulations, grant an *exequatur* to a consular officer other than the head of a consular post.

Article 20

Size of the consular staff

In the absence of an express agreement as to the size of the consular staff, the receiving State may require that the size of the staff be kept within limits considered by it to be reasonable and normal, having regard to circumstances and conditions in the consular district and to the needs of the particular consular post.

Article 21

Precedence as between consular officers of a consular post

The order of precedence as between the consular officers of a consular post and any change thereof shall be notified by the diplomatic mission of the sending State or, if that State has no such mission in the receiving State, by the head of the consular post, to the Ministry for Foreign Affairs of the receiving State or to the authority designated by that Ministry.

Article 22

Nationality of consular officers

1. Consular officers should, in principle, have the nationality of the sending State.

2. Consular officers may not be appointed from among persons having the nationality of the receiving State except with the express consent of that State which may be withdrawn at any time.

3. The receiving State may reserve the same right with regard to nationals of a third State who are not also nationals of the sending State.

Article 23

Persons declared non grata

1. The receiving State may at any time notify the sending State that a consular officer is *persona non grata* or that any other member of the consular staff is not acceptable. In that event, the sending State shall, as the case may be, either recall the person concerned or terminate his functions with the consular post.

2. If the sending State refuses or fails within a reasonable time to carry out its obligations under paragraph 1 of this Article, the receiving State may, as the case may be, either withdraw the *exequatur* from the person concerned or cease to consider him as a member of the consular staff.

3. A person appointed as a member of consular post may be declared unacceptable before arriving in the territory of the receiving State or, if already in the receiving State, before entering on his duties with the consular post. In any such case, the sending State shall withdraw his appointment.

4. In the cases mentioned in paragraphs 1 and 3 of this Article, the receiving State is not obliged to give to the sending State reasons for its decision.

Article 24

Notification to the receiving State of appointments, arrivals and departures

1. The Ministry for Foreign Affairs of the receiving State or the authority designated by that Ministry shall be notified of:

(a) the appointment of members of a consular post, their arrival after appointment to the consular post, their final departure or the termination of their functions and any other changes affecting their status that may occur in the course of their service with the consular post;

(b) the arrival and final departure of a person belonging to the family of a member of a consular post forming part of his household and, where appropriate, the fact that a person becomes or ceases to be such a member of the family;

(c) the arrival and final departure of members of the private staff and, where appropriate, the termination of their service as such;

(d) the engagement and discharge of persons resident in the receiving State as members of a consular post or as members of the private staff entitled to privileges and immunities.

2. When possible, prior notification of arrival and final departure shall also be given.

SECTION II. END OF CONSULAR FUNCTIONS

Article 25

Termination of the functions of a member of a consular post

The functions of a member of a consular post shall come to an end *inter alia*:

(a) on notification by the sending State to the receiving State that his functions have come to an end;

(b) on withdrawal of the *exequatur*;

(c) on notification by the receiving State to the sending State that the receiving State has ceased to consider him as a member of the consular staff.

Article 26

Departure from the territory of the receiving State

The receiving State shall, even in case of armed conflict, grant to members of the consular post and members of the private staff, other than nationals of the receiving State, and to members of their families forming part of their households irrespective of nationality, the necessary time and facilities to enable them to prepare their departure and to leave at the earliest possible moment after the termination of the functions of the members concerned. In particular, it shall, in case of need, place at their disposal the necessary means of transport for themselves and their property other than property acquired in the receiving State the export of which is prohibited at the time of departure.

Article 27

Protection of consular premises and archives and of the interests of the sending State in exceptional circumstances

1. In the event of the severance of consular relations between two States:

(a) the receiving State shall, even in case of armed conflict, respect and protect the consular premises, together with the property of the consular post and the consular archives;

(b) the sending State may entrust the custody of the consular premises, together with the property contained therein and the consular archives, to a third State acceptable to the receiving State;

(c) the sending State may entrust the protection of its interests and those of its nationals to a third State acceptable to the receiving State.

2. In the event of the temporary or permanent closure of a consular post, the provisions of sub-paragraph (a) of paragraph 1 of this Article shall apply. In addition,

(a) if the sending State, although not represented in the receiving State by a diplomatic mission, has another consular post in the territory of that State, that consular post may be entrusted with the custody of the premises of the consular post which has been closed, together with the property contained therein and the consular archives, and, with the consent of the receiving State, with the exercise of consular functions in the district of that consular post; or

(b) if the sending State has no diplomatic mission and no other consular post in the receiving State, the provisions of sub-paragraphs (b) and (c) of paragraph 1 of this Article shall apply.

CHAPTER II. FACILITIES, PRIVILEGES AND IMMUNITIES RELATING TO CONSULAR POSTS, CAREER CONSULAR OFFICERS AND OTHER MEMBERS OF A CONSULAR POST

SECTION I. FACILITIES, PRIVILEGES AND IMMUNITIES RELATING TO A CONSULAR POST

Article 28

Facilities for the work of the consular post

The receiving State shall accord full facilities for the performance of the functions of the consular post.

Article 29

Use of national flag and coat-of-arms

1. The sending State shall have the right to the use of its national flag and coat-of-arms in the receiving State in accordance with the provisions of this Article.
2. The national flag of the sending State may be flown and its coat-of-arms displayed on the building occupied by the consular post and at the entrance door thereof, on the residence of the head of the consular post and on his means of transport when used on official business.
3. In the exercise of the right accorded by this Article regard shall be had to the laws, regulations and usages of the receiving State.

Article 30

Accommodation

1. The receiving State shall either facilitate the acquisition on its territory, in accordance with its laws and regulations, by the sending State of premises necessary for its consular post or assist the latter in obtaining accommodation in some other way.
2. It shall also, where necessary, assist the consular post in obtaining suitable accommodation for its members.

Article 31

Inviolability of the consular premises

1. Consular premises shall be inviolable to the extent provided in this Article.
2. The authorities of the receiving State shall not enter that part of the consular premises which is used exclusively for the purpose of the work of the consular post except with the consent of the head of the consular post or of his designee or of the head of the diplomatic mission of the sending State. The consent of the head of the consular post may, however, be assumed in case of fire or other disaster requiring prompt protective action.
3. Subject to the provisions of paragraph 2 of this Article, the receiving State is under a special duty to take all appropriate steps to protect the consular premises against any intrusion or damage and to prevent any disturbance of the peace of the consular post or impairment of its dignity.
4. The consular premises, their furnishings, the property of the consular post and its means of transport shall be immune from any form of requisition for purposes of national defence or public utility. If expropriation is necessary for such purposes, all possible steps shall be taken to avoid impeding the performance of consular functions, and prompt, adequate and effective compensation shall be paid to the sending State.

Article 32

Exemption from taxation of consular premises

1. Consular premises and the residence of the career head of consular post of which the sending State or any person acting on its behalf is the owner or lessee shall be exempt from all national, regional or municipal dues and taxes whatsoever, other than such as represent payment for specific services rendered.
2. The exemption from taxation referred to in paragraph 1 of this Article shall not apply to such dues and taxes if, under the law of the receiving State, they are payable by the person who contracted with the sending State or with the person acting on its behalf.

Article 33

Inviolability of the consular archives and documents

The consular archives and documents shall be inviolable at all times and wherever they may be.

Article 34

Freedom of movement

Subject to its laws and regulations concerning zones entry into which is prohibited or regulated for reasons of national security, the receiving State shall ensure freedom of movement and travel in its territory to all members of the consular post.

Article 35

Freedom of communication

1. The receiving State shall permit and protect freedom of communication on the part of the consular post for all official purposes. In communicating with the Government, the diplomatic missions and other consular posts, wherever situated, of the sending State, the consular post may employ all appropriate means, including diplomatic or consular couriers, diplomatic or consular bags and messages in code or cipher. However, the consular post may install and use a wireless transmitter only with the consent of the receiving State.

2. The official correspondence of the consular post shall be inviolable. Official correspondence means all correspondence relating to the consular post and its functions.

3. The consular bag shall be neither opened nor detained. Nevertheless, if the competent authorities of the receiving State have serious reason to believe that the bag contains something other than the correspondence, documents or articles referred to in paragraph 4 of this Article, they may request that the bag be opened in their presence by an authorized representative of the sending State. If this request is refused by the authorities of the sending State, the bag shall be returned to its place of origin.

4. The packages constituting the consular bag shall bear visible external marks of their character and may contain only official correspondence and documents or articles intended exclusively for official use.

5. The consular courier shall be provided with an official document indicating his status and the number of packages constituting the consular bag. Except with the consent of the receiving State he shall be neither a national of the receiving State, nor, unless he is a national of the sending State, a permanent resident of the receiving State. In the performance of his functions he shall be protected by the receiving State. He shall enjoy personal inviolability and shall not be liable to any form of arrest or detention.

6. The sending State, its diplomatic missions and its consular posts may designate consular couriers *ad hoc*. In such cases the provisions of paragraph 5 of this Article shall also apply except that the immunities therein mentioned shall cease to apply when such a courier has delivered to the consignee the consular bag in his charge.

7. A consular bag may be entrusted to the captain of a ship or of a commercial aircraft scheduled to land at an authorized port of entry. He shall be provided with an official document indicating the number of packages constituting the bag, but he shall not be considered to be a consular courier. By arrangement with the appropriate local authorities, the consular post may send one of its members to take possession of the bag directly and freely from the captain of the ship or of the aircraft.

Article 36

Communication and contact with nationals of the sending State

1. With a view to facilitating the exercise of consular functions relating to nationals of the sending State:

(a) consular officers shall be free to communicate with nationals of the sending State and to have access to them. Nationals of the sending State shall have the same freedom with respect to communication with and access to consular officers of the sending State;

(b) if he so requests, the competent authorities of the receiving State shall, without delay, inform the consular post of the sending State if, within its consular district, a national of that State is arrested or committed to prison or to custody pending trial or is detained in any other manner. Any communication addressed to the consular post by the person arrested, in prison, custody or detention shall also be forwarded by the said authorities without delay. The said authorities shall inform the person concerned without delay of his rights under this sub-paragraph;

(c) consular officers shall have the right to visit a national of the sending State who is in prison, custody or detention, to converse and correspond with him and to arrange for his legal representation. They shall also have the right to visit any national of the sending State who is in prison, custody or detention in their district in pursuance of a judgment. Nevertheless, consular officers shall refrain from taking action on behalf of a national who is in prison, custody or detention if he expressly opposes such action.

2. The rights referred to in paragraph 1 of this Article shall be exercised in conformity with the laws and regulations of the receiving State, subject to the proviso, however, that the said laws and regulations must enable full effect to be given to the purposes for which the rights accorded under this Article are intended.

Article 37

Information in cases of deaths, guardianship or trusteeship, wrecks and air accidents

If the relevant information is available to the competent authorities of the receiving State, such authorities shall have the duty:

(a) in the case of the death of a national of the sending State, to inform without delay the consular post in whose district the death occurred;

(b) to inform the competent consular post without delay of any case where the appointment of a guardian or trustee appears to be in the interests of a minor or other person lacking full capacity who is a national of the sending State. The giving of this information shall, however, be without prejudice to the operation of the laws and regulations of the receiving State concerning such appointments;

(c) if a vessel, having the nationality of the sending State, is wrecked or runs aground in the territorial sea or internal waters of the receiving State, or if an aircraft registered in the sending State suffers an accident on the territory of the receiving State, to inform without delay the consular post nearest to the scene of the occurrence.

Article 38

Communication with the authorities of the receiving State

In the exercise of their functions, consular officers may address:

(a) the competent local authorities of their consular district;

(b) the competent central authorities of the receiving State if and to the extent that this is allowed by the laws, regulations and usages of the receiving State or by the relevant international agreements.

Article 39

Consular fees and charges

1. The consular post may levy in the territory of the receiving State the fees and charges provided by the laws and regulations of the sending State for consular acts.

2. The sums collected in the form of the fees and charges referred to in paragraph 1 of this Article, and the receipts for such fees and charges, shall be exempt from all dues and taxes in the receiving State.

SECTION II. FACILITIES, PRIVILEGES AND IMMUNITIES RELATING TO CAREER CONSULAR OFFICERS AND OTHER MEMBERS OF A CONSULAR POST

Article 40

Protection of consular officers

The receiving State shall treat consular officers with due respect and shall take all appropriate steps to prevent any attack on their person, freedom or dignity.

Article 41

Personal inviolability of consular officers

1. Consular officers shall not be liable to arrest or detention pending trial, except in the case of a grave crime and pursuant to a decision by the competent judicial authority.

2. Except in the case specified in paragraph 1 of this Article, consular officers shall not be committed to prison or be liable to any other form of restriction on their personal freedom save in execution of a judicial decision of final effect.

3. If criminal proceedings are instituted against a consular officer, he must appear before the competent authorities. Nevertheless, the proceedings shall be conducted with the respect due to him by reason of his official position and, except in the case specified in paragraph 1 of this Article, in a manner which will hamper the exercise of consular functions as little as possible. When, in the circumstances mentioned in paragraph 1 of this Article, it has become necessary to detain a consular officer, the proceedings against him shall be instituted with the minimum of delay.

Article 42

Notification of arrest, detention or prosecution

In the event of the arrest or detention, pending trial, of a member of the consular staff, or of criminal proceedings being instituted against him, the receiving State shall promptly notify the head of the consular post. Should the latter be himself the object of any such measure, the receiving State shall notify the sending State through the diplomatic channel.

Article 43

Immunity from jurisdiction

1. Consular officers and consular employees shall not be amenable to the jurisdiction of the judicial or administrative authorities of the receiving State in respect of acts performed in the exercise of consular functions.

2. The provisions of paragraph 1 of this Article shall not, however, apply in respect of a civil action either:

(a) arising out of a contract concluded by a consular officer or a consular employee in which he did not contract expressly or impliedly as an agent of the sending State;

or

(b) by a third party for damage arising from an accident in the receiving State caused by a vehicle, vessel or aircraft.

Article 44

Liability to give evidence

1. Members of a consular post may be called upon to attend as witnesses in the course of judicial or administrative proceedings. A consular employee or a member of the service staff shall not, except in the cases mentioned in paragraph 3 of this Article, decline to give evidence. If a consular officer should decline to do so, no coercive measure or penalty may be applied to him.

2. The authority requiring the evidence of a consular officer shall avoid interference with the performance of his functions. It may, when possible, take such evidence at his residence or at the consular post or accept a statement from him in writing.

3. Members of a consular post are under no obligation to give evidence concerning matters connected with the exercise of their functions or to produce official correspondence and documents relating thereto. They are also entitled to decline to give evidence as expert witnesses with regard to the law of the sending State.

Article 45

Waiver of privileges and immunities

1. The sending State may waive, with regard to a member of the consular post, any of the privileges and immunities provided for in Articles 41, 43 and 44.

2. The waiver shall in all cases be express, except as provided in paragraph 3 of this Article, and shall be communicated to the receiving State in writing.

3. The initiation of proceedings by a consular officer or a consular employee in a matter where he might enjoy immunity from jurisdiction under Article 43 shall preclude him from invoking immunity from jurisdiction in respect of any counter-claim directly connected with the principal claim.

4. The waiver of immunity from jurisdiction for the purposes of civil or administrative proceedings shall not be deemed to imply the waiver of immunity from the measures of execution resulting from the judicial decision; in respect of such measures, a separate waiver shall be necessary.

Article 46

Exemption from registration of aliens and residence permits

1. Consular officers and consular employees and members of their families forming part of their households shall be exempt from all obligations under the laws and regulations of the receiving State in regard to the registration of aliens and residence permits.

2. The provisions of paragraph 1 of this Article shall not, however, apply to any consular employee who is not a permanent employee of the sending State or who carries on any private gainful occupation in the receiving State or to any member of the family of any such employee.

Article 47

Exemption from work permits

1. Members of the consular post shall, with respect to services rendered for the sending State, be exempt from any obligations in regard to work permits imposed by the laws and regulations of the receiving State concerning the employment of foreign labour.

2. Members of the private staff of consular officers and of consular employees shall, if they do not carry on any other gainful occupation in the receiving State be exempt from the obligations referred to in paragraph 1 of this Article.

Article 48

Social security exemption

1. Subject to the provisions of paragraph 3 of this Article, members of the consular post with respect to services rendered by them for the sending State, and members of their families forming part of their households, shall be exempt from social security provisions which may be in force in the receiving State.

2. The exemption provided for in paragraph 1 of this Article shall apply also to members of the private staff who are in the sole employ of members of the consular post, on condition:

(a) that they are not nationals of or permanently resident in the receiving State; and

(b) that they are covered by the social security provisions which are in force in the sending State or a third State.

3. Members of the consular post who employ persons to whom the exemption provided for in paragraph 2 of this Article does not apply shall observe the obligations which the social security provisions of the receiving State impose upon employers.

4. The exemption provided for in paragraphs 1 and 2 of this Article shall not preclude voluntary participation in the social security system of the receiving State, provided that such participation is permitted by that State.

Article 49

Exemption from taxation

1. Consular officers and consular employees and members of their families forming part of their households shall be exempt from all dues and taxes, personal or real, national, regional or municipal, except:

(a) indirect taxes of a kind which are normally incorporated in the price of goods or services;

(b) dues or taxes on private immovable property situated in the territory of the receiving State, subject to the provisions of Article 32;

(c) estate, succession or inheritance duties, and duties on transfers, levied by the receiving State, subject to the provisions of paragraph (b) of Article 51;

(d) dues and taxes on private income, including capital gains, having its source in the receiving State and capital taxes relating to investments made in commercial or financial undertakings in the receiving State;

(e) charges levied for specific services rendered;

(f) registration, court or record fees, mortgage dues and stamp duties, subject to the provisions of Article 32.

2. Members of the service staff shall be exempt from dues and taxes on the wages which they receive for their services.

3. Members of the consular post who employ persons whose wages or salaries are not exempt from income tax in the receiving State shall observe the obligations which the laws and regulations of that State impose upon employers concerning the levying of income tax.

Article 50

Exemption from customs duties and inspection

1. The receiving State shall, in accordance with such laws and regulations as it may adopt, permit entry of and grant exemption from all customs duties, taxes, and related charges other than charges for storage, cartage and similar services, on:

(a) articles for the official use of the consular post;

(b) articles for the personal use of a consular officer or members of his family forming part of his household, including articles intended for his establishment. The articles intended for consumption shall not exceed the quantities necessary for direct utilization by the persons concerned.

2. Consular employees shall enjoy the privileges and exemptions specified in paragraph 1 of this Article in respect of articles imported at the time of first installation.

3. Personal baggage accompanying consular officers and members of their families forming part of their households shall be exempt from inspection. It may be inspected only if there is serious reason to believe that it contains articles other than those referred to in sub-paragraph (b) of paragraph 1 of this Article, or articles the import or export of which is prohibited by the laws and regulations of the receiving State or which are subject to its quarantine laws and regulations. Such inspection shall be carried out in the presence of the consular officer or member of his family concerned.

Article 51

Estate of a member of the consular post or of a member of his family

In the event of the death of a member of the consular post or of a member of his family forming part of his household, the receiving State:

(a) shall permit the export of the movable property of the deceased, with the exception of any such property acquired in the receiving State the export of which was prohibited at the time of his death;

(b) shall not levy national, regional or municipal estate, succession of inheritance duties, and duties on transfers, on movable property the presence of which in the receiving State was due solely to the presence in that State of the deceased as a member of the consular post or as a member of the family of a member of the consular post.

Article 52

Exemption from personal services and contributions

The receiving State shall exempt members of the consular post and members of their families forming part of their households from all personal services, from all public service of any kind whatsoever, and from military obligations such as those connected with requisitioning, military contributions and billeting.

Article 53

Beginning and end of consular privileges and immunities

1. Every member of the consular post shall enjoy the privileges and immunities provided in the present Convention from the moment he enters the territory of the receiving State on proceeding to take up his post or, if already in its territory, from the moment when he enters on his duties with the consular post.

2. Members of the family of a member of the consular post forming part of his household and members of his private staff shall receive the privileges and immunities provided in the present Convention from the date from which he enjoys privileges and immunities in accordance with paragraph 1 of this Article or from the date of their entry into the territory of the receiving State or from the date of their becoming a member of such family or private staff, whichever is the latest.

3. When the functions of a member of the consular post have come to an end, his privileges and immunities and those of a member of his family forming part of his household or a member of his private staff shall normally cease at the moment when the person concerned leaves the receiving State or on the expiry of a reasonable period in which to do so, whichever is the sooner, but shall subsist until that time, even in case of armed conflict. In the case of the persons referred to in paragraph 2 of this Article, their privileges and immunities shall come to an end when they cease to belong to the household or to be in the service of a member of the consular post provided, however, that if such persons intend leaving the receiving State within a reasonable period thereafter, their privileges and immunities shall subsist until the time of their departure.

4. However, with respect to acts performed by a consular officer or a consular employee in the exercise of his functions, immunity from jurisdiction shall continue to subsist without limitation of time.

5. In the event of the death of a member of the consular post, the members of his family forming part of his household shall continue to enjoy the privileges and immunities accorded to them until they leave the receiving State or until the expiry of a reasonable period enabling them to do so, whichever is the sooner.

Article 54

Obligations of third States

1. If a consular officer passes through or is in the territory of a third State, which has granted him a visa if a visa was necessary, while proceeding to take up or return to his post or when returning to the sending State, the third State shall accord to him all immunities provided for by the other Articles of the present Convention as may be required to ensure his transit or return. The same shall apply in the case of any member of his family forming part of his household enjoying such privileges and immunities who are accompanying the consular officer or travelling separately to join him or to return to the sending State.

2. In circumstances similar to those specified in paragraph 1 of this Article, third States shall not hinder the transit through their territory of others members of the consular post or of members of their families forming part of their households.

3. Third States shall accord to official correspondence and to other official communications in transit, including messages in code or cipher, the same freedom and protection as the receiving State is bound to accord under the present Convention. They shall accord to consular couriers who have been granted a visa, if a visa was necessary, and to consular bags in transit, the same inviolability and protection as the receiving State is bound to accord under the present Convention.

4. The obligations of third States under paragraphs 1, 2 and 3 of this Article shall also apply to the persons mentioned respectively in those paragraphs, and to official communications and to consular bags, whose presence in the territory of the third State is due to *force majeure*.

Article 55

Respect for the laws and regulations of the receiving State

1. Without prejudice to their privileges and immunities, it is the duty of all persons enjoying such privileges and immunities to respect the laws and regulations of the receiving State. They also have a duty not to interfere in the internal affairs of that State.

2. The consular premises shall not be used in any manner incompatible with the exercise of consular functions.

3. The provisions of paragraph 2 of this Article shall not exclude the possibility of offices of other institutions or agencies being installed in part of the building in which the consular premises are situated, provided that the premises assigned to them are separate from those used by the consular post. In that event, the said offices shall not, for the purposes of the present Convention, be considered to form part of the consular premises.

Article 56

Insurance against third party risks

Members of the consular post shall comply with any requirement imposed by the laws and regulations of the receiving State in respect of insurance against third party risks arising from the use of any vehicle, vessel or aircraft.

Article 57

Special provisions concerning private gainful occupation

1. Career consular officers shall not carry on for personal profit any professional or commercial activity in the receiving State.

2. Privileges and immunities provided in this Chapter shall not be accorded:

(a) to consular employees or to members of the service staff who carry on any private gainful occupation in the receiving State;

(b) to members of the family of a person referred to in sub-paragraph (a) of this paragraph or to members of his private staff;

(c) to members of the family of a member of a consular post who themselves carry on any private gainful occupation in the receiving State.

CHAPTER III. REGIME RELATING TO HONORARY CONSULAR OFFICERS AND CONSULAR POSTS HEADED BY SUCH OFFICERS

Article 58

General provisions relating to facilities, privileges and immunities

1. Articles 28, 29, 30, 34, 35, 36, 37, 38 and 39, paragraph 3 of Article 54 and paragraphs 2 and 3 of Article 55 shall apply to consular posts headed by an honorary consular officer. In addition, the facilities, privileges and immunities of such consular posts shall be governed by Articles 59, 60, 61 and 62.

2. Articles 42 and 43, paragraph 3 of Article 44, Articles 45 and 53 and paragraph 1 of Article 55 shall apply to honorary consular officers. In addition, the facilities, privileges and immunities of such consular officers shall be governed by Articles 63, 64, 65, 66 and 67.

3. Privileges and immunities provided in the present Convention shall not be accorded to members of the family of an honorary consular officer or of a consular employee employed at a consular post headed by an honorary consular officer.

4. The exchange of consular bags between two consular posts headed by honorary consular officers in different States shall not be allowed without the consent of the two receiving States concerned.

Article 59

Protection of the consular premises

The receiving State shall take such steps as may be necessary to protect the consular premises of a consular post headed by an honorary consular officer against any intrusion or damage and to prevent any disturbance of the peace of the consular post or impairment of its dignity.

Article 60

Exemption from taxation of consular premises

1. Consular premises of a consular post headed by an honorary consular officer of which the sending State is the owner or lessee shall be exempt from all national, regional or municipal dues and taxes whatsoever, other than such as represent payment for specific services rendered.

2. The exemption from taxation referred to in paragraph 1 of this Article shall not apply to such dues and taxes if, under the laws and regulations of the receiving State, they are payable by the person who contracted with the sending State.

Article 61

Inviolability of consular archives and documents

The consular archives and documents of a consular post headed by an honorary consular officer shall be inviolable at all times and wherever they may be, provided that they are kept separate from other papers and documents and, in particular, from the private correspondence of the head of a consular post and of any person working with him, and from the materials, books or documents relating to their profession or trade.

Article 62

Exemption from customs duties

The receiving State shall, in accordance with such laws and regulations as it may adopt, permit entry of, and grant exemption from all customs duties, taxes, and related charges other than charges for storage, cartage and similar services on the following articles, provided that they are for the official use of a consular post headed by an honorary consular officer: coats-of-arms, flags, signboards, seals and stamps, books, official printed matter, office furniture, office equipment and similar articles supplied by or at the instance of the sending State to the consular post.

Article 63

Criminal proceedings

If criminal proceedings are instituted against an honorary consular officer, he must appear before the competent authorities. Nevertheless, the proceedings shall be conducted with the respect due to him by reason of his official position and, except when he is under arrest or detention, in a manner which will hamper the exercise of consular functions as little as possible. When it has become necessary to detain an honorary consular officer, the proceedings against him shall be instituted with the minimum of delay.

Article 64

Protection of honorary consular officers

The receiving State is under a duty to accord to an honorary consular officer such protection as may be required by reason of his official position.

Article 65

Exemption from registration of aliens and residence permits

Honorary consular officers, with the exception of those who carry on for personal profit any professional or commercial activity in the receiving State, shall be exempt from all obligations under the laws and regulations of the receiving State in regard to the registration of aliens and residence permits.

Article 66

Exemption from taxation

An honorary consular officer shall be exempt from all dues and taxes on the remuneration and emoluments which he receives from the sending State in respect of the exercise of consular functions.

Article 67

Exemption from personal services and contributions

The receiving State shall exempt honorary consular officers from all personal services and from all public services of any kind whatsoever and from military obligations such as those connected with requisitioning, military contributions and billeting.

Article 68

Optional character of the institution of honorary consular officers

Each State is free to decide whether it will appoint or receive honorary consular officers.

CHAPTER IV. GENERAL PROVISIONS

Article 69

Consular agents who are not heads of consular posts

1. Each State is free to decide whether it will establish or admit consular agencies conducted by consular agents not designated as heads of consular post by the sending State.
2. The conditions under which the consular agencies referred to in paragraph 1 of this Article may carry on their activities and the privileges and immunities which may be enjoyed by the consular agents in charge of them shall be determined by agreement between the sending State and the receiving State.

Article 70

Exercise of consular functions by diplomatic missions

1. The provisions of the present Convention apply also, so far as the context permits, to the exercise of consular functions by a diplomatic mission.
2. The names of members of a diplomatic mission assigned to the consular section or otherwise charged with the exercise of the consular functions of the mission shall be notified to the Ministry for Foreign Affairs of the receiving State or to the authority designated by that Ministry.
3. In the exercise of consular functions a diplomatic mission may address:
 - (a) the local authorities of the consular district;
 - (b) the central authorities of the receiving State if this is allowed by the laws, regulations and usages of the receiving State or by relevant international agreements.
4. The privileges and immunities of the members of a diplomatic mission referred to in paragraph 2 of this Article shall continue to be governed by the rules of international law concerning diplomatic relations.

Article 71

Nationals or permanent residents of the receiving State

1. Except in so far as additional facilities, privileges and immunities may be granted by the receiving State, consular officers who are nationals of or permanently resident in the receiving State shall enjoy only immunity from jurisdiction and personal inviolability in respect of official acts performed in the exercise of their functions, and the privilege provided in paragraph 3 of Article 44. So far as these consular officers are concerned, the receiving State shall likewise be bound by the obligation laid down in Article 42. If criminal proceedings are instituted against such a consular officer, the proceedings shall, except when he is under arrest or detention, be conducted in a manner which will hamper the exercise of consular functions as little as possible.
2. Other members of the consular post who are nationals of or permanently resident in the receiving State and members of their families, as well as members of the families of consular officers referred to in paragraph 1 of this Article, shall enjoy facilities, privileges and immunities only in so far as these are granted to them by the receiving State. Those members of the families of members of the consular post and those members of the private staff who are themselves nationals of or permanently resident in the receiving State shall likewise enjoy

facilities, privileges and immunities only in so far as these are granted to them by the receiving State. The receiving State shall, however, exercise its jurisdiction over those persons in such a way as not to hinder unduly the performance of the functions of the consular post.

Article 72

Non-discrimination

1. In the application of the provisions of the present Convention the receiving State shall not discriminate as between States.

2. However, discrimination shall not be regarded as taking place:

(a) where the receiving State applies any of the provisions of the present Convention restrictively because of a restrictive application of that provision to its consular posts in the sending State;

(b) where by custom or agreement States extend to each other more favourable treatment than is required by the provisions of the present Convention.

Article 73

Relationship between the present Convention and other international agreements

1. The provisions of the present Convention shall not affect other international agreements in force as between States parties to them.

2. Nothing in the present Convention shall preclude States from concluding international agreements confirming or supplementing or extending or amplifying the provisions thereof.

CHAPTER V. FINAL PROVISIONS

Article 74

Signature

The present Convention shall be open for signature by all States Members of the United Nations or of any of the specialized agencies or Parties to the Statute of the International Court of Justice, and by any other State invited by the General Assembly of the United Nations to become a Party to the Convention, as follows until 31 October 1963 at the Federal Ministry for Foreign Affairs of the Republic of Austria and subsequently, until 31 March 1964, at the United Nations Headquarters in New York.

Article 75

Ratification

The present Convention is subject to ratification. The instruments of ratification shall be deposited with the Secretary-General of the United Nations.

Article 76

Accession

The present Convention shall remain open for accession by any State belonging to any of the four categories mentioned in Article 74. The instruments of accession shall be deposited with the Secretary-General of the United Nations.

Article 77

Entry into force

1. The present Convention shall enter into force on the thirtieth day following the date of deposit of the twenty-second instrument of ratification or accession with the Secretary-General of the United Nations.

2. For each State ratifying or acceding to the Convention after the deposit of the twenty-second instrument of ratification or accession, the Convention shall enter into force on the thirtieth day after deposit by such State of its instrument of ratification or accession.

Article 78

Notifications by the Secretary-General

The Secretary-General of the United Nations shall inform all States belonging to any of the four categories mentioned in Article 74:

(a) of signatures to the present Convention and of the deposit of instruments of ratification or accession, in accordance with Articles 74, 75 and 76;

(b) of the date on which the present Convention will enter into force, in accordance with Article 77.

Article 79

Authentic texts

The original of the present Convention, of which the Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Secretary-General of the United Nations, who shall send certified copies thereof to all States belonging to any of the four categories mentioned in Article 74.

IN WITNESS WHEREOF the undersigned Plenipotentiaries, being duly authorized thereto by their respective Governments, have signed the present Convention.

DONE AT VIENNA, this twenty-fourth day of April, one thousand nine hundred and sixty-three.

Optional Protocol concerning Acquisition of Nationality. Done at Vienna, on 24 April 1963

The States Parties to the present Protocol and to the Vienna Convention on Consular Relations, hereinafter referred to as “the Convention”, adopted by the United Nations Conference held at Vienna from 4 March to 22 April 1963,

Expressing their wish to establish rules between them concerning acquisition of nationality by members of the consular post and by members of their families forming part of their households,

Have agreed as follows:

Article I

For the purposes of the present Protocol, the expression “members of the consular post” shall have the meaning assigned to it in sub-paragraph (g) of paragraph 1 of Article 1 of the Convention, namely, “consular officers, consular employees and members of the service staff”.

Article II

Members of the consular post not being nationals of the receiving State, and members of their families forming part of their households, shall not, solely by the operation of the law of the receiving State, acquire the nationality of that State.

Article III

The present Protocol shall be open for signature by all States which may become Parties to the Convention, as follows: until 31 October 1963 at the Federal Ministry for Foreign Affairs of the Republic of Austria and, subsequently, until 31 March 1964, at the United Nations Headquarters in New York.

Article IV

The present Protocol is subject to ratification. The instruments of ratification shall be deposited with the Secretary-General of the United Nations.

Article V

The present Protocol shall remain open for accession by all States which may become Parties to the Convention. The instruments of accession shall be deposited with the Secretary-General of the United Nations.

Article VI

1. The present Protocol shall enter into force on the same day as the Convention or on the thirtieth day following the date of deposit of the second instrument of ratification or accession to the Protocol with the Secretary-General of the United Nations, whichever date is the later.

2. For each State ratifying or acceding to the present Protocol after its entry into force in accordance with paragraph 1 of this Article, the Protocol shall enter into force on the thirtieth day after deposit by such State of its instrument of ratification or accession.

Article VII

The Secretary-General of the United Nations shall inform all States which may become Parties to the Convention:

(a) of signatures to the present Protocol and of the deposit of instruments of ratification or accession, in accordance with Articles III, IV and V;

(b) of the date on which the present Protocol will enter into force, in accordance with Article VI.

Article VIII

The original of the present Protocol, of which the Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Secretary-General of the United Nations, who shall send certified copies thereof to all States referred to in Article III.

IN WITNESS WHEREOF the undersigned plenipotentiaries, being duly authorized thereto by their respective Governments, have signed the present Protocol.

DONE AT VIENNA, this twenty-fourth day of April, one thousand nine hundred and sixty-three.

Optional Protocol concerning the Compulsory Settlement of Disputes. Done at Vienna,
on 24 April 1963

The States Parties to the present Protocol and to the Vienna Convention on Consular Relations, hereinafter referred to as "the Convention", adopted by the United Nations Conference held at Vienna from 4 March to 22 April 1963,

Expressing their wish to resort in all matters concerning them in respect of any dispute arising out of the interpretation or application of the Convention to the compulsory jurisdiction of the International Court of Justice, unless some other form of settlement has been agreed upon by the parties within a reasonable period,

Have agreed as follows:

Article I

Disputes arising out of the interpretation or application of the Convention shall lie within the compulsory jurisdiction of the International Court of Justice and may accordingly be brought before the Court by an application made by any party to the dispute being a Party to the present Protocol.

Article II

The parties may agree, within a period of two months after one party has notified its opinion to the other that a dispute exists, to resort not to the International Court of Justice but to an arbitral tribunal. After the expiry of the said period, either party may bring the dispute before the Court by an application.

Article III

1. Within the same period of two months, the parties may agree to adopt a conciliation procedure before resorting to the International Court of Justice.

2. The conciliation commission shall make its recommendations within five months after its appointment. If its recommendations are not accepted by the parties to the dispute within two months after they have been delivered, either party may bring the dispute before the Court by an application.

Article IV

States Parties to the Convention, to the Optional Protocol concerning Acquisition of Nationality, and to the present Protocol may at any time declare that they will extend the provisions of the present Protocol to disputes arising out of the interpretation or application of the Optional Protocol concerning Acquisition of Nationality. Such declarations shall be notified to the Secretary-General of the United Nations.

Article V

The present Protocol shall be open for signature by all States which may become Parties to the Convention as follows: until 31 October 1963 at the Federal Ministry for Foreign Affairs of the Republic of Austria and, subsequently, until 31 March 1964, at the United Nations Headquarters in New York.

Article VI

The present Protocol is subject to ratification. The instruments of ratification shall be deposited with the Secretary-General of the United Nations.

Article VII

The present Protocol shall remain open for accession by all States which may become Parties to the Convention. The instruments of accession shall be deposited with the Secretary-General of the United Nations.

Article VIII

1. The present Protocol shall enter into force on the same day as the Convention or on the thirtieth day following the date of deposit of the second instrument of ratification or accession to the Protocol with the Secretary-General of the United Nations, whichever date is the later.

2. For each State ratifying or acceding to the present Protocol after its entry into force in accordance with paragraph 1 of this Article, the Protocol shall enter into force on the thirtieth day after deposit by such State of its instrument of ratification or accession.

Article IX

The Secretary-General of the United Nations shall inform all States which may become Parties to the Convention:

(a) of signatures to the present Protocol and of the deposit of instruments of ratification or accession, in accordance with Articles V, VI and VII;

(b) of declarations made in accordance with Article IV of the present Protocol;

(c) of the date on which the present Protocol will enter into force, in accordance with Article VIII.

Article X

The original of the present Protocol, of which the Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Secretary-General of the United Nations, who shall send certified copies thereof to all States referred to in Article V.

IN WITNESS WHEREOF the undersigned plenipotentiaries, being duly authorized thereto by their respective Governments, have signed the present Protocol.

DONE AT VIENNA, this twenty-fourth day of April, one thousand nine hundred and sixty-three.

2. Food and Agriculture Organization of the United Nations

AMENDMENTS TO ARTICLES VI AND X-1 OF THE FAO CONSTITUTION:¹ EXCERPTS FROM THE REPORT OF THE TWELFTH SESSION OF THE FAO CONFERENCE (ROME, 16 NOVEMBER—5 DECEMBER 1963)

(a) Amendments to Article VI of the Constitution: resolution 35/63 (Joint Commissions with other Intergovernmental Organizations)²

¹ Came into force on 3 December 1963, date of adoption by FAO Conference.

² Relevant documents (see p. 227, n. 2 of this *Yearbook*): CL 40/17, paras. 1-11; CL Rep. 40th sess., paras. 165 *et seq.*; C 63/48; Conf. Rep. paras. 481 *et seq.*, Res. C 35/63.

The Conference

Noting that there was no specific provision in the FAO Constitution regarding the establishment with other intergovernmental organizations of joint commissions and committees whose membership might include members and associate members of the organizations concerned,

Considering the desirability of incorporating in the Constitution specific provision to this effect,

Having examined the draft amendments submitted to it by the Council,

Adopts the amendments to Article VI of the FAO Constitution as set forth in Appendix G to this Report.

3 December 1963

Article VI (amended text)

Commissions, Committees, Conferences, Working Parties and Consultations

1. The Conference or Council may establish commissions, the membership of which shall be open to all Member Nations and Associate Members, or regional commissions open to all Member Nations and Associate Members whose territories are situated wholly or in part in one or more regions, to advise on the formulation and implementation of policy and to co-ordinate the implementation of policy. The Conference or Council may also establish, in conjunction with other intergovernmental organizations, joint commissions open to all Member Nations and Associate Members of the Organization and of the other organizations concerned, or joint regional commissions open to Member Nations and Associate Members of the Organization and of the other organizations concerned, whose territories are situated wholly or in part in the region.

2. The Conference, the Council, or the Director-General on the authority of the Conference or Council, may establish committees and working parties to study and report on matters pertaining to the purpose of the Organization and consisting either of selected Member Nations and Associate Members, or of individuals appointed in their personal capacity because of their special competence in technical matters. The Conference, the Council, or the Director-General on the authority of the Conference or Council may, in conjunction with other intergovernmental organizations, also establish joint committees and working parties, consisting either of selected Member Nations and Associate Members of the Organization and of the other organizations concerned, or of individuals appointed in their personal capacity. The selected Member Nations and Associate Members shall, as regards the Organization, be designated either by the Conference or the Council, or by the Director-General if so decided by the Conference or Council. The individuals appointed in their personal capacity shall, as regards the Organization, be designated either by the Conference, the Council, selected Member Nations or Associate Members, or by the Director-General, as decided by the Conference or Council.

3. The Conference, the Council, or the Director-General on the authority of the Conference or Council shall determine the terms of reference and reporting procedures, as appropriate, of commissions, committees and working parties established by the Conference, the Council, or the Director-General as the case may be. Such commissions and committees may adopt their own rules of procedure and amendments thereto, which shall come into force upon approval by the Director-General subject to confirmation by the Conference or Council, as appropriate. The terms of reference and reporting procedures of joint commissions, committees and working parties established in conjunction with other intergovernmental organizations shall be determined in consultation with the other organizations concerned.

(b) Amendment to Article X-1 of the Constitution : resolution 36/63 (Clarification of Article X-1 of the Constitution)³

The Conference

Having examined the proposal of the Thirty Ninth Session of the Council,

Adopts the following amendment to Article X-1 of the Constitution (words underlined to be added):

“There shall be such regional offices and sub-regional offices as the Director-General, with the approval of the Conference, may decide.”

3 December 1963

³ Relevant document (see p. 227, n. 2 of this *Yearbook*): Conf. Rep. paras. 486 *et seq.*, Res. 36/63.

3. International Civil Aviation Organization

CONVENTION ON OFFENCES AND CERTAIN OTHER ACTS COMMITTED ON BOARD AIRCRAFT. SIGNED AT TOKYO, ON 14 SEPTEMBER 1963

The States Parties to this Convention

Have agreed as follows:

Chapter I. Scope of the Convention

Article 1

1. This Convention shall apply in respect of:
 - (a) offences against penal law;
 - (b) acts which, whether or not they are offences, may or do jeopardize the safety of the aircraft or of persons or property therein or which jeopardize good order and discipline on board.
2. Except as provided in Chapter III, this Convention shall apply in respect of offences committed or acts done by a person on board any aircraft registered in a Contracting State, while that aircraft is in flight or on the surface of the high seas or of any other area outside the territory of any State.
3. For the purposes of this Convention, an aircraft is considered to be in flight from the moment when power is applied for the purpose of take-off until the moment when the landing run ends.
4. This Convention shall not apply to aircraft used in military, customs or police services.

Article 2

Without prejudice to the provisions of Article 4 and except when the safety of the aircraft or of persons or property on board so requires, no provision of this Convention shall be interpreted as authorizing or requiring any action in respect of offences against penal laws of a political nature or those based on racial or religious discrimination.

Chapter II. Jurisdiction

Article 3

1. The State of registration of the aircraft is competent to exercise jurisdiction over offences and acts committed on board.
2. Each Contracting State shall take such measures as may be necessary to establish its jurisdiction as the State of registration over offences committed on board aircraft registered in such State.
3. This Convention does not exclude any criminal jurisdiction exercised in accordance with national law.

Article 4

A Contracting State which is not the State of registration may not interfere with an aircraft in flight in order to exercise its criminal jurisdiction over an offence committed on board except in the following cases:

- (a) the offence has effect on the territory of such State;
- (b) the offence has been committed by or against a national or permanent resident of such State;
- (c) the offence is against the security of such State;
- (d) the offence consists of a breach of any rules or regulations relating to the flight or manoeuvre of aircraft in force in such State;
- (e) the exercise of jurisdiction is necessary to ensure the observance of any obligation of such State under a multilateral international agreement.

Chapter III. Powers of the aircraft commander

Article 5

1. The provisions of this Chapter shall not apply to offences and acts committed or about to be committed by a person on board an aircraft in flight in the airspace of the State of registration or over the high seas or any other area outside the territory of any State unless the last point of take-off or the next point of intended landing is situated in a State other than that of registration, or the aircraft subsequently flies in the airspace of a State other than that of registration with such person still on board.

2. Notwithstanding the provisions of Article 1, paragraph 3, an aircraft shall for the purposes of this Chapter, be considered to be in flight at any time from the moment when all its external doors are closed following embarkation until the moment when any such door is opened for disembarkation. In the case of a forced landing, the provisions of this Chapter shall continue to apply with respect to offences and acts committed on board until competent authorities of a State take over the responsibility for the aircraft and for the persons and property on board.

Article 6

1. The aircraft commander may, when he has reasonable grounds to believe that a person has committed, or is about to commit, on board the aircraft, an offence or act contemplated in Article 1, paragraph 1, impose upon such person reasonable measures including restraint which are necessary:

- (a) to protect the safety of the aircraft, or of persons or property therein; or
- (b) to maintain good order and discipline on board; or
- (c) to enable him to deliver such person to competent authorities or to disembark him in accordance with the provisions of this Chapter.

2. The aircraft commander may require or authorize the assistance of other crew members and may request or authorize, but not require, the assistance of passengers to restrain any person, whom he is entitled to restrain. Any crew member or passenger may also take reasonable preventive measures without such authorization when he has reasonable grounds to believe that such action is immediately necessary to protect the safety of the aircraft, or of persons or property therein.

Article 7

1. Measures of restraint imposed upon a person in accordance with Article 6 shall not be continued beyond any point at which the aircraft lands unless:

(a) such point is in the territory of a non-Contracting State and its authorities refuse to permit disembarkation of that person or those measures have been imposed in accordance with Article 6, paragraph 1 (c) in order to enable his delivery to competent authorities;

(b) the aircraft makes a forced landing and the aircraft commander is unable to deliver that person to competent authorities; or

(c) that person agrees to onward carriage under restraint.

2. The aircraft commander shall as soon as practicable, and if possible before landing in the territory of a State with a person on board who has been placed under restraint in accordance with the provisions of Article 6, notify the authorities of such State of the fact that a person on board is under restraint and of the reasons for such restraint.

Article 8

1. The aircraft commander may, in so far as it is necessary for the purpose of subparagraph (a) or (b) of paragraph 1 of Article 6, disembark in the territory of any State in which the aircraft lands any person who he has reasonable grounds to believe has committed, or is about to commit, on board the aircraft an act contemplated in Article 1, paragraph 1 (b).

2. The aircraft commander shall report to the authorities of the State in which he disembarks any person pursuant to this Article, the fact of, and the reasons for, such disembarkation.

Article 9

1. The aircraft commander may deliver to the competent authorities of any Contracting State in the territory of which the aircraft lands any person who he has reasonable grounds to believe has committed on board the aircraft an act which, in his opinion, is a serious offence according to the penal law of the State of registration of the aircraft.

2. The aircraft commander shall as soon as practicable and if possible before landing in the territory of a Contracting State with a person on board whom the aircraft commander intends to deliver in accordance with the preceding paragraph, notify the authorities of such State of his intention to deliver such person and the reasons therefor.

3. The aircraft commander shall furnish the authorities to whom any suspected offender is delivered in accordance with the provisions of this Article with evidence and in-

formation which, under the law of the State of registration of the aircraft, are lawfully in his possession.

Article 10

For actions taken in accordance with this Convention, neither the aircraft commander, any other member of the crew, any passenger, the owner or operator of the aircraft, nor the person on whose behalf the flight was performed shall be held responsible in any proceeding on account of the treatment undergone by the person against whom the actions were taken.

Chapter IV. Unlawful Seizure of Aircraft

Article 11

1. When a person on board has unlawfully committed by force or threat thereof an act of interference, seizure, or other wrongful exercise of control of an aircraft in flight or when such an act is about to be committed, Contracting States shall take all appropriate measures to restore control of the aircraft to its lawful commander or to preserve his control of the aircraft.

2. In the cases contemplated in the preceding paragraph, the Contracting State in which the aircraft lands shall permit its passengers and crew to continue their journey as soon as practicable, and shall return the aircraft and its cargo to the persons lawfully entitled to possession.

Chapter V. Powers and Duties of States

Article 12

Any Contracting State shall allow the commander of an aircraft registered in another Contracting State to disembark any person pursuant to Article 8, paragraph 1.

Article 13

1. Any Contracting State shall take delivery of any person whom the aircraft commander delivers pursuant to Article 9, paragraph 1.

2. Upon being satisfied that the circumstances so warrant, any Contracting State shall take custody or other measures to ensure the presence of any person suspected of an act contemplated in Article 11, paragraph 1 and of any person of whom it has taken delivery. The custody and other measures shall be as provided in the law of that State but may only be continued for such time as is reasonably necessary to enable any criminal or extradition proceedings to be instituted.

3. Any person in custody pursuant to the previous paragraph shall be assisted in communicating immediately with the nearest appropriate representative of the State of which he is a national.

4. Any Contracting State, to which a person is delivered pursuant to Article 9, paragraph 1, or in whose territory an aircraft lands following the commission of an act contemplated in Article 11, paragraph 1, shall immediately make a preliminary enquiry into the facts.

5. When a State, pursuant to this Article, has taken a person into custody, it shall immediately notify the State of registration of the aircraft and the State of nationality of the detained person and, if it considers it advisable, any other interested State of the fact that

such person is in custody and of the circumstances which warrant his detention. The State which makes the preliminary enquiry contemplated in paragraph 4 of this Article shall promptly report its findings to the said States and shall indicate whether it intends to exercise jurisdiction.

Article 14

1. When any person has been disembarked in accordance with Article 8, paragraph 1, or delivered in accordance with Article 9, paragraph 1, or has disembarked after committing an act contemplated in Article 11, paragraph 1, and when such person cannot or does not desire to continue his journey and the State of landing refuses to admit him, that State may, if the person in question is not a national or permanent resident of that State, return him to the territory of the State of which he is a national or permanent resident or to the territory of the State in which he began his journey by air.

2. Neither disembarkation, nor delivery, nor the taking of custody or other measures contemplated in Article 13, paragraph 2, nor return of the person concerned, shall be considered as admission to the territory of the Contracting State concerned for the purpose of its law relating to entry or admission of persons and nothing in this Convention shall affect the law of a Contracting State relating to the expulsion of persons from its territory.

Article 15

1. Without prejudice to Article 14, any person who has been disembarked in accordance with Article 8, paragraph 1, or delivered in accordance with Article 9, paragraph 1, or has disembarked after committing an act contemplated in Article 11, paragraph 1, and who desires to continue his journey shall be at liberty as soon as practicable to proceed to any destination of his choice unless his presence is required by the law of the State of landing for the purpose of extradition or criminal proceedings.

2. Without prejudice to its law as to entry and admission to, and extradition and expulsion from its territory, a Contracting State in whose territory a person has been disembarked in accordance with Article 8, paragraph 1, or delivered in accordance with Article 9, paragraph 1 or has disembarked and is suspected of having committed an act contemplated in Article 11, paragraph 1, shall accord to such person treatment which is no less favourable for his protection and security than that accorded to nationals of such Contracting State in like circumstances.

Chapter VI. Other Provisions

Article 16

1. Offences committed on aircraft registered in a Contracting State shall be treated, for the purpose of extradition, as if they had been committed not only in the place in which they have occurred but also in the territory of the State of registration of the aircraft.

2. Without prejudice to the provisions of the preceding paragraph, nothing in this Convention shall be deemed to create an obligation to grant extradition.

Article 17

In taking any measures for investigation or arrest or otherwise exercising jurisdiction in connection with any offence committed on board an aircraft the Contracting States shall pay due regard to the safety and other interests of air navigation and shall so act as to avoid unnecessary delay of the aircraft, passengers, crew or cargo.

Article 18

If Contracting States establish joint air transport operating organizations or international operating agencies, which operate aircraft not registered in any one State those States shall, according to the circumstances of the case, designate the State among them which, for the purposes of this Convention, shall be considered as the State of registration and shall give notice thereof to the International Civil Aviation Organization which shall communicate the notice to all States Parties to this Convention.

Chapter VII. Final Clauses

Article 19

Until the date on which this Convention comes into force in accordance with the provisions of Article 21, it shall remain open for signature on behalf of any State which at that date is a Member of the United Nations or of any of the Specialized Agencies.

Article 20

1. This Convention shall be subject to ratification by the signatory States in accordance with their constitutional procedures.
2. The instruments of ratification shall be deposited with the International Civil Aviation Organization.

Article 21

1. As soon as twelve of the signatory States have deposited their instruments of ratification of this Convention, it shall come into force between them on the ninetieth day after the date of the deposit of the twelfth instrument of ratification. It shall come into force for each State ratifying thereafter on the ninetieth day after the deposit of its instrument of ratification.
2. As soon as this Convention comes into force, it shall be registered with the Secretary-General of the United Nations by the International Civil Aviation Organization.

Article 22

1. This Convention shall, after it has come into force, be open for accession by any State Member of the United Nations or of any of the Specialized Agencies.
2. The accession of a State shall be effected by the deposit of an instrument of accession with the International Civil Aviation Organization and shall take effect on the ninetieth day after the date of such deposit.

Article 23

1. Any Contracting State may denounce this Convention by notification addressed to the International Civil Aviation Organization.
2. Denunciation shall take effect six months after the date of receipt by the International Civil Aviation Organization of the notification of denunciation.

Article 24

1. Any dispute between two or more Contracting States concerning the interpretation or application of this Convention which cannot be settled through negotiation, shall, at the

request of one of them, be submitted to arbitration. If within six months from the date of the request for arbitration the Parties are unable to agree on the organization of the arbitration, any one of those Parties may refer the dispute to the International Court of Justice by request in conformity with the Statute of the Court.

2. Each State may at the time of signature or ratification of this Convention or accession thereto, declare that it does not consider itself bound by the preceding paragraph. The other Contracting States shall not be bound by the preceding paragraph with respect to any Contracting State having made such a reservation.

3. Any Contracting State having made a reservation in accordance with the preceding paragraph may at any time withdraw this reservation by notification to the International Civil Aviation Organization.

Article 25

Except as provided in Article 24 no reservation may be made to this Convention.

Article 26

The International Civil Aviation Organization shall give notice to all States Members of the United Nations or of any of the Specialized Agencies:

- (a) of any signature of this Convention and the date thereof;
- (b) of the deposit of any instrument of ratification or accession and the date thereof;
- (c) of the date on which this Convention comes into force in accordance with Article 21, paragraph 1;
- (d) of the receipt of any notification of denunciation and the date thereof; and
- (e) of the receipt of any declaration or notification made under Article 24 and the date thereof.

IN WITNESS WHEREOF the undersigned Plenipotentiaries, having been duly authorized, have signed this Convention.

DONE at Tokyo on the fourteenth day of September One Thousand Nine Hundred and Sixty-three in three authentic texts drawn up in the English, French and Spanish languages.

This Convention shall be deposited with the International Civil Aviation Organization with which, in accordance with Article 19, it shall remain open for signature and the said Organization shall send certified copies thereof to all States Members of the United Nations or of any Specialized Agency.

4. World Meteorological Organization

AMENDMENTS TO THE CONVENTION OF THE WORLD METEOROLOGICAL ORGANIZATION: RESOLUTIONS ADOPTED BY THE FOURTH CONGRESS

(a) Resolution 1 (Cg-IV) : Amendment to Article 13 of the Convention of the World Meteorological Organization

The Congress,
Considering,

(1) That the number of Members of the World Meteorological Organization has considerably increased;

(2) The advisability of having on the Executive Committee wider consultation, thus not only improving the representation of the Regions, but also increasing the number of the directors of meteorological services taking an active part in the operation of the Organization;

(3) The prevailing practice in other specialized agencies of the United Nations;

Decides,

(1) That the text of Article 13 of the Convention of the World Meteorological Organization be replaced by the following:

Article 13¹

Composition

The Executive Committee shall consist of:

(a) The President and the Vice-Presidents of the Organization;

(b) The presidents of regional associations who can be replaced at sessions by their alternates, as provided for in the General Regulations;

(c) Twelve directors of meteorological services of Members of the Organization, who can be replaced at sessions by alternates, provided:

(i) That these alternates shall be as provided for in the General Regulations;

(ii) That not more than seven and not less than two members of the Executive Committee, comprising the President and Vice-Presidents of the Organization, the presidents of regional associations and the twelve elected directors shall come from one Region, this Region being determined in the case of each member in accordance with the General Regulations;

(2) That this amendment come into force on 11 April 1963.

(b) Resolution 2 (Cg-IV) : Amendments to the Convention of the World Meteorological Organization

The Congress,

Noting,

(1) Resolution 4 (Cg-III);

(2) Resolution 1 (Cg-IV);

Considering that the Convention of the World Meteorological Organization as the principal working instrument of the World Meteorological Organization, should be kept up to date in order that its efficiency may not be impaired;

Having examined the amendments proposed by Members in accordance with the provisions of Article 28 (a) of the Convention and by the Executive Committee;

Decides,

(1) To approve the amendments to the Convention of the World Meteorological Organization listed in the annex to this resolution;

(2) That these amendments come into force on 27 April 1963.

¹ This Article will appear as Article 12 in the 1963 edition of the Basic Documents.

ANNEX TO RESOLUTION 2 (CG-IV)

AMENDMENTS TO THE CONVENTION OF THE WORLD METEOROLOGICAL ORGANIZATION

1. Amend the English text only of Article 2—Purposes, paragraph (b) to read:

(b) To promote the establishment and maintenance of systems for the rapid exchange of meteorological information;

2. Amend Part V—Eligibility, Article 5, to read:

PART V

Officers of the Organization and members of the Executive Committee

Article 5

(a) Eligibility for election to the offices of President and Vice-Presidents of the Organization, of President and Vice-President of the Regional Associations, and for membership, subject to the provisions of Article 12 (c) (ii) of the Convention, of the Executive Committee shall be confined to persons who are designated as the Directors of their Meteorological Service by the Members of the Organization for the purpose of this Convention

(b) In the performance of their duties, all officers of the Organization and members of the Executive Committee shall act as representatives of the Organization and not as representatives of particular Members thereof.

3. Amend Article 6—Composition, to read:

Article 6

Composition

(a) The Congress is the general assembly of delegates representing Members and as such is the supreme body of the Organization.

(b) Each Member shall designate one of its delegates, who should be the Director of its Meteorological Service, as its principal delegate at Congress.

(c) With a view to securing the widest possible technical representation, any Director of a Meteorological Service or any other individual may be invited by the President to be present and to participate in the discussions of the Congress in accordance with the provisions of the General Regulations (hereinafter referred to as “Regulations”).

4. Amend Article 7—Functions, to read :

Article 7

Functions

In addition to functions set out in other Articles of the Convention, the primary duties of the Congress shall be:

(a) To determine general policies for the fulfilment of the purposes of the Organization as set forth in Article 2;

(b) To make recommendations to Members on matters within the purposes of the Organization;

(c) To refer to any body of the Organization any matter within the provisions of the Convention upon which such a body is empowered to act;

(d) To determine regulations prescribing the procedures of the various bodies of the Organization, and in particular, the General, Technical, Financial and Staff Regulations;

(e) To consider the reports and activities of the Executive Committee and to take appropriate action in regard thereto;

(f) To establish Regional Associations in accordance with the provisions of Article 17; to determine their geographical limits, co-ordinate their activities, and consider their recommendations;

(g) To establish Technical Commissions in accordance with the provisions of Article 18; to define their terms of reference, co-ordinate their activities, and consider their recommendations;

(h) To determine the location of the Secretariat of the Organization;

(i) To elect the President and Vice-Presidents of the Organization, and members of the Executive Committee other than the Presidents of the Regional Associations.

Congress may also take any other appropriate action on matters affecting the Organization.

5. Amend Article 10—Voting, to read :

Article 10

Voting

(a) In a vote in Congress each Member shall have one vote. However, only Members of the Organization which are States (hereinafter referred to as “Members which are States”), shall be entitled to vote or to take a decision on the following subjects:

(1) Amendment or interpretation of the Convention or proposals for a new Convention;

(2) Requests for Membership of the Organization;

(3) Relations with the United Nations and other inter-governmental organisations;

(4) Election of the President and Vice-Presidents of the Organization and of the members of the Executive Committee other than the Presidents of the Regional Associations.

(b) Decisions shall be by a two-thirds majority of the votes cast for and against, except that elections of individuals to serve in any capacity in the Organization shall be simple majority of the votes cast. The provisions of this paragraph, however, shall not apply to decisions taken in accordance with Articles 3, 24, 25 and 27 of the Convention.

6. Amend Article 11—Quorum, to read :

Article 11

Quorum

The presence of delegates of a majority of the Members shall be required to constitute a quorum for meetings of the Congress. For those meetings of the Congress at which decisions are taken on the subjects enumerated in paragraph (a) of Article 10, the presence of delegates of a majority of the Members which are States shall be required to constitute a quorum.

7. Delete Article 12—First meeting of the Congress.

8. Renumber Article 13 as amended by Resolution 1 (Cg-IV) to read Article 12—Composition.

9. Amend Article 14—Functions, to read :

Article 13

Functions

The Executive Committee is the executive body of the Organization.

In addition to functions set out in other Articles of the Convention, the primary functions of the Executive Committee shall be :

(a) To implement the decisions taken by the Members of the Organization either in Congress or by means of correspondence and to conduct the activities of the Organization in accordance with the intention of such decisions;

(b) To consider and, where necessary, take action on behalf of the Organization on resolutions and recommendations of Regional Associations and Technical Commissions in accordance with the procedures laid down in the Regulations;

(c) To provide technical information, counsel, and assistance in the field of meteorology;

(d) To study and make recommendations on any matter affecting international meteorology and the operation of Meteorological Services;

(e) To prepare the agenda for the Congress and to give guidance to the Regional Associations and Technical Commissions in the preparation of their agenda;

(f) To report on its activities to each session of Congress;

(g) To administer the finances of the Organization in accordance with the provisions of Part XI of the Convention.

The Executive Committee may also perform such other functions as may be conferred on it by the Congress or by Members collectively.

10. Amend Article 15—Meetings, to read:

Article 14

Sessions

(a) The Executive Committee shall normally hold a session at least once a year, at a place and on a date to be determined by the President of the Organization, after consultation with other members of the Committee.

(b) An extraordinary session of the Executive Committee shall be convened according to the procedures contained in the Regulations, after receipt by the Secretary-General of requests from a majority of the members of the Executive Committee. Such a session may also be convened by agreement between the President and the two Vice-Presidents of the Organization.

11. Renumber Article 16—Voting, to read Article 15—Voting.

12. Amend Article 17—Quorum, to read:

Article 16

Quorum

The presence of two-thirds of the members shall be required to constitute the quorum for meetings of the Executive Committee.

13. Renumber Article 18 to read Article 17 and similarly renumber all articles up to 22 inclusive.

14. Amend Part XI—Finances, Article 23 to read:

PART XI

Finances

Article 22

(a) The Congress shall determine the maximum expenditure which may be incurred by the Organization on the basis of the estimates submitted by the Secretary-General, after prior examination by, and with the recommendations of, the Executive Committee.

(b) The Congress shall delegate to the Executive Committee such authority as may be required to approve the annual expenditures of the Organization within the limitations determined by the Congress.

15. Amend Part XII—Relations with the United Nations, Article 25, to read:

PART XII

Relations with the United Nations

Article 24

The Organization shall be in relationship to the United Nations pursuant to Article 57 of the Charter of the United Nations. Any agreement concerning such relationship shall require approval by two-thirds of the Members which are States.

16. Amend Part XIII—Relations with other organizations, Article 26, to read:

PART XIII

Relations with other organizations

Article 25

(a) The Organization shall establish effective relations and co-operate closely with such other inter-governmental organizations as may be desirable. Any formal agreement entered into with such organizations shall be made by the Executive Committee, subject to approval by two-thirds of the Members which are States, either in Congress or by correspondence.

(b) The Organization may on matters within its purposes make suitable arrangements for consultation and co-operation with non-governmental international organizations and, with the consent of the government concerned, with national organizations, governmental or non-governmental.

(c) Subject to approval by two-thirds of the Members which are States, the Organization may take over from any other international organization or agency, the purpose and activities of which lie within the purposes of the Organization, such functions, resources, and obligations as may be transferred to the Organization by international agreement or by mutually acceptable arrangements entered into between competent authorities of the respective organizations,

17. To amend Part XIV—Legal Status, Privileges and Immunities, to read:

PART XIV

Legal status, privileges and immunities

Article 26

(a) The Organization shall enjoy in the territory of each Member such legal capacity as may be necessary for the fulfilment of its purposes and for the exercise of its functions.

(b) (i) The Organization shall enjoy in the territory of each Member to which the present Convention applies such privileges and immunities as may be necessary for the fulfilment of its purposes and for the exercise of its functions;

(b) (ii) Representatives of Members, officers and officials of the Organization as well as members of the Executive Committee shall similarly enjoy such privileges and immunities as are necessary for the independent exercise of their functions in connexion with the Organization.

(c) In the territory of any Member which is a State and which has acceded to the Convention on the Privileges and Immunities of the Specialized Agencies adopted by the General Assembly of the United Nations on 21 November 1947 such legal capacity, privileges and immunities shall be those defined in the said Convention.

18. Renumber all remaining Articles, Article 28 as Article 27, Article 29 as Article 28, etc.

5. International Atomic Energy Agency

VIENNA CONVENTION ON CIVIL LIABILITY FOR NUCLEAR DAMAGE. DONE AT VIENNA, ON 21 MAY 1963

The Contracting Parties,

Having recognized the desirability of establishing some minimum standards to provide financial protection against damage resulting from certain peaceful uses of nuclear energy,

Believing that a convention on civil liability for nuclear damage would also contribute to the development of friendly relations among nations, irrespective of their differing constitutional and social systems,

Have decided to conclude a convention for such purposes, and thereto have agreed as follows—

Article I

1. For the purposes of this Convention—

(a) “Person” means any individual, partnership, any private or public body whether corporate or not, any international organization enjoying legal personality under the law of the Installation State, and any State or any of its constituent sub-divisions.

(b) “National of a Contracting Party” includes a Contracting Party or any of its constituent sub-divisions, a partnership, or any private or public body whether corporate or not established within the territory of a Contracting Party.

(c) “Operator”, in relation to a nuclear installation, means the person designated or recognized by the Installation State as the operator of that installation.

(d) “Installation State”, in relation to a nuclear installation, means the Contracting Party within whose territory that installation is situated or, if it is not situated within the territory of any State, the Contracting Party by which or under the authority of which the nuclear installation is operated.

(e) “Law of the competent court” means the law of the court having jurisdiction under this Convention, including any rules of such law relating to conflict of laws.

(f) “Nuclear fuel” means any material which is capable of producing energy by a self-sustaining chain process of nuclear fission.

(g) “Radioactive products or waste” means any radioactive material produced in, or any material made radioactive by exposure to the radiation incidental to, the production or utilization of nuclear fuel, but does not include radioisotopes which have reached the final stage of fabrication so as to be usable for any scientific, medical, agricultural, commercial or industrial purpose.

(h) “Nuclear material” means—

(i) nuclear fuel, other than natural uranium and depleted uranium, capable of producing energy by a self-sustaining chain process of nuclear fission outside a nuclear reactor, either alone or in combination with some other material; and

(ii) radioactive products or waste.

(i) “Nuclear reactor” means any structure containing nuclear fuel in such an arrangement that a self-sustaining chain process of nuclear fission can occur therein without an additional source of neutrons.

(j) “Nuclear installation” means—

- (i) any nuclear reactor other than one with which a means of sea or air transport is equipped for use as a source of power, whether for propulsion thereof or for any other purpose;
- (ii) any factory using nuclear fuel for the production of nuclear material, or any factory for the processing of nuclear material, including any factory for the re-processing of irradiated nuclear fuel; and
- (iii) any facility where nuclear material is stored, other than storage incidental to the carriage of such material;

provided that the Installation State may determine that several nuclear installations of one operator which are located at the same site shall be considered as a single nuclear installation.

(k) "Nuclear damage" means—

- (i) loss of life, any personal injury or any loss of, or damage to, property which arises out of or results from the radioactive properties or a combination of radioactive properties with toxic, explosive or other hazardous properties of nuclear fuel or radioactive products or waste in, or of nuclear material coming from, originating in, or sent to, a nuclear installation;
- (ii) any other loss or damage so arising or resulting if and to the extent that the law of the competent court so provides; and
- (iii) if the law of the Installation State so provides, loss of life, any personal injury or any loss of, or damage to, property which arises out of or results from other ionizing radiation emitted by any other source of radiation inside a nuclear installation.

(l) "Nuclear incident" means any occurrence or series of occurrences having the same origin which causes nuclear damage.

2. An Installation State may, if the small extent of the risks involved so warrants, exclude any small quantities of nuclear material from the application of this Convention, provided that—

(a) maximum limits for the exclusion of such quantities have been established by the Board of Governors of the International Atomic Energy Agency; and

(b) any exclusion by an Installation State is within such established limits.

The maximum limits shall be reviewed periodically by the Board of Governors.

Article II

1. The operator of a nuclear installation shall be liable for nuclear damage upon proof that such damage has been caused by a nuclear incident—

(a) in his nuclear installation; or

(b) involving nuclear material coming from or originating in his nuclear installation, and occurring—

- (i) before liability with regard to nuclear incidents involving the nuclear material has been assumed, pursuant to the express terms of a contract in writing, by the operator of another nuclear installation;
- (ii) in the absence of such express terms, before the operator of another nuclear installation has taken charge of the nuclear material; or
- (iii) where the nuclear material is intended to be used in a nuclear reactor with which a means of transport is equipped for use as a source of power, whether for propulsion thereof or for any other purpose, before the person duly authorized to operate such reactor has taken charge of the nuclear material; but

- (iv) where the nuclear material has been sent to a person within the territory of a non-Contracting State, before it has been unloaded from the means of transport by which it has arrived in the territory of that non-Contracting State;
- (c) involving nuclear material sent to his nuclear installation, and occurring—
 - (i) after liability with regard to nuclear incidents involving the nuclear material has been assumed by him, pursuant to the express terms of a contract in writing, from the operator of another nuclear installation;
 - (ii) in the absence of such express terms, after he has taken charge of the nuclear material; or
 - (iii) after he has taken charge of the nuclear material from a person operating a nuclear reactor with which a means of transport is equipped for use as a source of power, whether for propulsion thereof or for any other purpose; but
 - (iv) where the nuclear material has, with the written consent of the operator, been sent from a person within the territory of a non-Contracting State, only after it has been loaded on the means of transport by which it is to be carried from the territory of that State;

provided that, if nuclear damage is caused by a nuclear incident occurring in a nuclear installation and involving nuclear material stored therein incidentally to the carriage of such material, the provisions of sub-paragraph (a) of this paragraph shall not apply where another operator or person is solely liable pursuant to the provisions of sub-paragraph (b) or (c) of this paragraph.

2. The Installation State may provide by legislation that, in accordance with such terms as may be specified therein, a carrier of nuclear material or a person handling radioactive waste may, at his request and with the consent of the operator concerned, be designated or recognized as operator in the place of that operator in respect of such nuclear material or radioactive waste respectively. In this case such carrier or such person shall be considered, for all the purposes of this Convention, as an operator of a nuclear installation situated within the territory of that State.

3. (a) Where nuclear damage engages the liability of more than one operator, the operators involved shall, in so far as the damage attributable to each operator is not reasonably separable, be jointly and severally liable.

(b) Where a nuclear incident occurs in the course of carriage of nuclear material, either in one and the same means of transport, or, in the case of storage incidental to the carriage, in one and the same nuclear installation, and causes nuclear damage which engages the liability of more than one operator, the total liability shall not exceed the highest amount applicable with respect to any one of them pursuant to Article V.

(c) In neither of the cases referred to in sub-paragraphs (a) and (b) of this paragraph shall the liability of any one operator exceed the amount applicable with respect to him pursuant to Article V.

4. Subject to the provisions of paragraph 3 of this Article, where several nuclear installations of one and the same operator are involved in one nuclear incident, such operator shall be liable in respect of each nuclear installation involved up to the amount applicable with respect to him pursuant to Article V.

5. Except as otherwise provided in this Convention, no person other than the operator shall be liable for nuclear damage. This, however, shall not affect the application of any international convention in the field of transport in force or open for signature, ratification or accession at the date on which this Convention is opened for signature.

6. No person shall be liable for any loss or damage which is not nuclear damage pursuant to sub-paragraph (k) of paragraph 1 of Article I but which could have been included as such pursuant to sub-paragraph (k) (ii) of that paragraph.

7. Direct action shall lie against the person furnishing financial security pursuant to Article VII, if the law of the competent court so provides.

Article III

The operator liable in accordance with this Convention shall provide the carrier with a certificate issued by or on behalf of the insurer or other financial guarantor furnishing the financial security required pursuant to Article VII. The certificate shall state the name and address of that operator and the amount, type and duration of the security, and these statements may not be disputed by the person by whom or on whose behalf the certificate was issued. The certificate shall also indicate the nuclear material in respect of which the security applies and shall include a statement by the competent public authority of the Installation State that the person named is an operator within the meaning of this Convention.

Article IV

1. The liability of the operator for nuclear damage under this Convention shall be absolute.

2. If the operator proves that the nuclear damage resulted wholly or partly either from the gross negligence of the person suffering the damage or from an act or omission of such person done with intent to cause damage, the competent court may, if its law so provides, relieve the operator wholly or partly from his obligation to pay compensation in respect of the damage suffered by such person.

3. (a) No liability under this Convention shall attach to an operator for nuclear damage caused by a nuclear incident directly due to an act of armed conflict, hostilities, civil war or insurrection.

(b) Except in so far as the law of the Installation State may provide to the contrary, the operator shall not be liable for nuclear damage caused by a nuclear incident directly due to a grave natural disaster of an exceptional character.

4. Whenever both nuclear damage and damage other than nuclear damage have been caused by a nuclear incident or jointly by a nuclear incident and one or more other occurrences, such other damage shall, to the extent that it is not reasonably separable from the nuclear damage, be deemed, for the purposes of this Convention, to be nuclear damage caused by that nuclear incident. Where, however, damage is caused jointly by a nuclear incident covered by this Convention and by an emission of ionizing radiation not covered by it, nothing in this Convention shall limit or otherwise affect the liability, either as regards any person suffering nuclear damage or by way of recourse or contribution, of any person who may be held liable in connexion with that emission of ionizing radiation.

5. The operator shall not be liable under this Convention for nuclear damage—

(a) to the nuclear installation itself or to any property on the site of that installation which is used or to be used in connexion with that installation; or

(b) to the means of transport upon which the nuclear material involved was at the time of the nuclear incident.

6. Any Installation State may provide by legislation that sub-paragraph (b) of paragraph 5 of this Article shall not apply, provided that in no case shall the liability of the

operator in respect of nuclear damage, other than nuclear damage to the means of transport, be reduced to less than US \$5 million for any one nuclear incident.

7. Nothing in this Convention shall affect—

(a) the liability of any individual for nuclear damage for which the operator, by virtue of paragraph 3 or 5 of this Article, is not liable under this Convention and which that individual caused by an act or omission done with intent to cause damage; or

(b) the liability outside this Convention of the operator for nuclear damage for which, by virtue of sub-paragraph (b) of paragraph 5 of this Article, he is not liable under this Convention.

Article V

1. The liability of the operator may be limited by the Installation State to not less than US \$5 million for any one nuclear incident.

2. Any limits of liability which may be established pursuant to this Article shall not include any interest or costs awarded by a court in actions for compensation of nuclear damage.

3. The United States dollar referred to in this Convention is a unit of account equivalent to the value of the United States dollar in terms of gold on 29 April 1963, that is to say US \$35 per one troy ounce of fine gold.

4. The sum mentioned in paragraph 6 of Article IV and in paragraph 1 of this Article may be converted into national currency in round figures.

Article VI

1. Rights of compensation under this Convention shall be extinguished if an action is not brought within ten years from the date of the nuclear incident. If, however, under the law of the Installation State the liability of the operator is covered by insurance or other financial security or by State funds for a period longer than ten years, the law of the competent court may provide that rights of compensation against the operator shall only be extinguished after a period which may be longer than ten years, but shall not be longer than the period for which his liability is so covered under the law of the Installation State. Such extension of the extinction period shall in no case affect rights of compensation under this Convention of any person who has brought an action for loss of life or personal injury against the operator before the expiry of the aforesaid period of ten years.

2. Where nuclear damage is caused by a nuclear incident involving nuclear material which at the time of the nuclear incident was stolen, lost, jettisoned or abandoned, the period established pursuant to paragraph 1 of this Article shall be computed from the date of that nuclear incident, but the period shall in no case exceed a period of twenty years from the date of the theft, loss, jettison or abandonment.

3. The law of the competent court may establish a period of extinction or prescription of not less than three years from the date on which the person suffering nuclear damage had knowledge or should have had knowledge of the damage and of the operator liable for the damage, provided that the period established pursuant to paragraphs 1 and 2 of this Article shall not be exceeded.

4. Unless the law of the competent court otherwise provides, any person who claims to have suffered nuclear damage and who has brought an action for compensation within the period applicable pursuant to this Article may amend his claim to take into account any

aggravation of the damage, even after the expiry of that period, provided that final judgment has not been entered.

5. Where jurisdiction is to be determined pursuant to sub-paragraph (b) of paragraph 3 of Article XI and a request has been made within the period applicable pursuant to this Article to any one of the Contracting Parties empowered so to determine, but the time remaining after such determination is less than six months, the period within which an action may be brought shall be six months, reckoned from the date of such determination.

Article VII

1. The operator shall be required to maintain insurance or other financial security covering his liability for nuclear damage in such amount, of such type and in such terms as the Installation State shall specify. The Installation State shall ensure the payment of claims for compensation for nuclear damage which have been established against the operator by providing the necessary funds to the extent that the yield of insurance or other financial security is inadequate to satisfy such claims, but not in excess of the limit, if any, established pursuant to Article V.

2. Nothing in paragraph 1 of this Article shall require a Contracting Party or any of its constituent sub-divisions, such as States or Republics, to maintain insurance or other financial security to cover their liability as operators.

3. The funds provided by insurance, by other financial security or by the Installation State pursuant to paragraph 1 of this Article shall be exclusively available for compensation due under this Convention.

4. No insurer or other financial guarantor shall suspend or cancel the insurance or other financial security provided pursuant to paragraph 1 of this Article without giving notice in writing of at least two months to the competent public authority or, in so far as such insurance or other financial security relates to the carriage of nuclear material, during the period of the carriage in question.

Article VIII

Subject to the provisions of this Convention, the nature, form and extent of the compensation, as well as the equitable distribution thereof, shall be governed by the law of the competent court.

Article IX

1. Where provisions of national or public health insurance, social insurance, social security, workmen's compensation or occupational disease compensation systems include compensation for nuclear damage, rights of beneficiaries of such systems to obtain compensation under this Convention and rights of recourse by virtue of such systems against the operator liable shall be determined, subject to the provisions of this Convention, by the law of the Contracting Party in which such systems have been established, or by the regulations of the inter-governmental organization which has established such systems.

2. (a) If a person who is a national of a Contracting Party, other than the operator, has paid compensation for nuclear damage under an international convention or under the law of a non-Contracting State, such person shall, up to the amount which he has paid, acquire by subrogation the rights under this Convention of the person so compensated. No rights shall be so acquired by any person to the extent that the operator has a right of recourse against such person under this Convention.

(b) Nothing in this Convention shall preclude an operator who has paid compensation for nuclear damage out of funds other than those provided pursuant to paragraph 1 of Article VII from recovering from the person providing financial security pursuant to that paragraph or from the Installation State, up to the amount he has paid, the sum which the person so compensated would have obtained under this Convention.

Article X

The operator shall have a right of recourse only—

- (a) if this is expressly provided for by a contract in writing; or
- (b) if the nuclear incident results from an act or omission done with intent to cause damage, against the individual who has acted or omitted to act with such intent.

Article XI

1. Except as otherwise provided in this Article, jurisdiction over actions under Article II shall lie only with the courts of the Contracting Party within whose territory the nuclear incident occurred.

2. Where the nuclear incident occurred outside the territory of any Contracting Party, or where the place of the nuclear incident cannot be determined with certainty, jurisdiction over such actions shall lie with the courts of the Installation State of the operator liable.

3. Where under paragraph 1 or 2 of this Article, jurisdiction would lie with the courts of more than one Contracting Party, jurisdiction shall lie—

(a) if the nuclear incident occurred partly outside the territory of any Contracting Party, and partly within the territory of a single Contracting Party, with the courts of the latter; and

(b) in any other case, with the courts of that Contracting Party which is determined by agreement between the Contracting Parties whose courts would be competent under paragraph 1 or 2 of this Article.

Article XII

1. A final judgment entered by a court having jurisdiction under Article XI shall be recognized within the territory of any other Contracting Party, except—

- (a) where the judgment was obtained by fraud;
- (b) where the party against whom the judgment was pronounced was not given a fair opportunity to present his case; or
- (c) where the judgment is contrary to the public policy of the Contracting Party within the territory of which recognition is sought, or is not in accord with fundamental standards of justice.

2. A final judgment which is recognized shall, upon being presented for enforcement in accordance with the formalities required by the law of the Contracting Party where enforcement is sought, be enforceable as if it were a judgment of a court of that Contracting Party.

3. The merits of a claim on which the judgment has been given shall not be subject to further proceedings.

Article XIII

This Convention and the national law applicable thereunder shall be applied without any discrimination based upon nationality, domicile or residence.

Article XIV

Except in respect of measures of execution, jurisdictional immunities under rules of national or international law shall not be invoked in actions under this Convention before the courts competent pursuant to Article XI.

Article XV

The Contracting Parties shall take appropriate measures to ensure that compensation for nuclear damage, interest and costs awarded by a court in connexion therewith, insurance and reinsurance premiums and funds provided by insurance, reinsurance or other financial security, or funds provided by the Installation State, pursuant to this Convention, shall be freely transferable into the currency of the Contracting Party within whose territory the damage is suffered, and of the Contracting Party within whose territory the claimant is habitually resident, and, as regards insurance or reinsurance premiums and payments, into the currencies specified in the insurance or reinsurance contract.

Article XVI

No person shall be entitled to recover compensation under this Convention to the extent that he has recovered compensation in respect of the same nuclear damage under another international convention on civil liability in the field of nuclear energy.

Article XVII

This Convention shall not, as between the parties to them, affect the application of any international agreements or international conventions on civil liability in the field of nuclear energy in force, or open for signature, ratification or accession at the date on which this Convention is opened for signature.

Article XVIII

This Convention shall not be construed as affecting the rights, if any, of a Contracting Party under the general rules of public international law in respect of nuclear damage.

Article XIX

1. Any Contracting Party entering into an agreement pursuant to sub-paragraph (b) of paragraph 3 of Article XI shall furnish without delay to the Director-General of the International Atomic Energy Agency for information and dissemination to the other Contracting Parties a copy of such agreement.

2. The Contracting Parties shall furnish to the Director-General for information and dissemination to the other Contracting Parties copies of their respective laws and regulations relating to matters covered by this Convention.

Article XX

Notwithstanding the termination of the application of this Convention to any Contracting Party, either by termination pursuant to Article XXV or by denunciation pursuant to Article XXVI, the provisions of this Convention shall continue to apply to any nuclear damage caused by a nuclear incident occurring before such termination.

Article XXI

This Convention shall be open for signature by the States represented at the International Conference on Civil Liability for Nuclear Damage held in Vienna from 29 April to 19 May 1963.

Article XXII

This Convention shall be ratified, and the instruments of ratification shall be deposited with the Director-General of the International Atomic Energy Agency.

Article XXIII

This Convention shall come into force three months after the deposit of the fifth instrument of ratification, and, in respect of each State ratifying it thereafter, three months after the deposit of the instrument of ratification by that State.

Article XXIV

1. All States Members of the United Nations, or of any of the specialized agencies or of the International Atomic Energy Agency not represented at the International Conference on Civil Liability for Nuclear Damage, held in Vienna from 29 April to 19 May 1963, may accede to this Convention.

2. The instruments of accession shall be deposited with the Director-General of the International Atomic Energy Agency.

3. This Convention shall come into force in respect of the acceding State three months after the date of deposit of the instrument of accession of that State but not before the date of the entry into force of this Convention pursuant to Article XXIII.

Article XXV

1. This Convention shall remain in force for a period of ten years from the date of its entry into force. Any Contracting Party may, by giving before the end of that period at least twelve months' notice to that effect to the Director-General of the International Atomic Energy Agency, terminate the application of this Convention to itself at the end of that period of ten years.

2. This Convention shall, after that period of ten years, remain in force for a further period of five years for such Contracting Parties as have not terminated its application pursuant to paragraph 1 of this Article, and thereafter for successive periods of five years each for those Contracting Parties which have not terminated its application at the end of one of such periods, by giving, before the end of one of such periods, at least twelve months' notice to that effect to the Director-General of the International Atomic Energy Agency.

Article XXVI

1. A conference shall be convened by the Director-General of the International Atomic Energy Agency at any time after the expiry of a period of five years from the date of the entry into force of this Convention in order to consider the revision thereof, if one-third of the Contracting Parties express a desire to that effect.

2. Any Contracting Party may denounce this Convention by notification to the Director-General of the International Atomic Energy Agency within a period of twelve months following the first revision conference held pursuant to paragraph 1 of this Article.

3. Denunciation shall take effect one year after the date on which notification to that effect has been received by the Director-General of the International Atomic Energy Agency.

Article XXVII

The Director-General of the International Atomic Energy Agency shall notify the States invited to the International Conference on Civil Liability for Nuclear Damage held in Vienna from 29 April to 19 May 1963 and the States which have acceded to this Convention of the following—

- (a) signatures and instruments of ratification and accession received pursuant to Articles XXI, XXII and XXIV;
- (b) the date on which this Convention will come into force pursuant to Article XXIII;
- (c) notifications of termination and denunciation received pursuant to Articles XXV and XXVI;
- (d) requests for the convening of a revision conference pursuant to Article XXVI.

Article XXVIII

This Convention shall be registered by the Director-General of the International Atomic Energy Agency in accordance with Article 102 of the Charter of the United Nations.

Article XXIX

The original of this Convention, of which the English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Director-General of the International Atomic Energy Agency, who shall issue certified copies.

IN WITNESS WHEREOF, the undersigned Plenipotentiaries, duly authorized thereto, have signed this Convention.

DONE in Vienna, this twenty-first day of May, one thousand nine hundred and sixty-three.

Chapter V

DECISIONS OF ADMINISTRATIVE TRIBUNALS OF THE UNITED NATIONS AND RELATED INTER-GOVERNMENTAL ORGANIZATIONS

A. Decisions of the Administrative Tribunal of the United Nations¹

1. JUDGEMENT No. 87 (3 OCTOBER 1963):² CARSON V. SECRETARY-GENERAL OF THE UNITED NATIONS

*Interpretation of Judgement No. 85 of 14 September 1962—
Meaning of the word “terminate” in Staff Regulation 9.3*

By its Judgement No. 85, the Tribunal had rescinded the termination of the applicant and ordered that, in the event of reinstatement, the applicant should receive full salary from the date of termination to the date of reinstatement, less the amount paid at termination in lieu of notice and less also the amount of termination indemnity. In the event of a decision by the Secretary-General not to reinstate the applicant, the Tribunal had ordered that she should receive: (a) full salary to the date of the decision not to reinstate, less the amounts paid in lieu of notice and less also the amount of termination indemnity; (b) an amount equal to that which would be payable under the Staff Regulations and Rules if the applicant's appointment were terminated on the date of the decision not to reinstate. In its Judgement No. 87, the Tribunal interpreted Judgement No. 85 and ruled that the applicant was entitled to three-months' notice and that the termination indemnities due to her under paragraph 12(b) of Judgement No. 85 should be calculated on that basis.

¹ Under article 2 of its Statute, the Administrative Tribunal of the United Nations is competent to hear and pass judgement upon applications alleging non-observance of contracts of employment of staff members of the Secretariat of the United Nations or of the terms of appointment of such staff members. Article 14 of the Statute states that the competence of the Tribunal may be extended to any specialized agency upon the terms established by a special agreement to be made with each such agency by the Secretary-General of the United Nations. On 1 January 1964, one agreement of general scope, dealing with the non-observance of contracts of employment and of terms of appointment, had been concluded, pursuant to the above provision, with a specialized agency: the International Civil Aviation Organization. In addition, agreements limited to applications alleging non-observance of the Regulations of the United Nations Joint Staff Pension Fund had been concluded with the International Labour Organisation, the Food and Agriculture Organization of the United Nations, the United Nations Educational, Scientific and Cultural Organization, the World Health Organization, the International Civil Aviation Organization, the World Meteorological Organization and the International Atomic Energy Agency.

The Tribunal is open not only to any staff member, even after his employment has ceased, but also to any person who has succeeded to the staff member's rights on his death, or who can show that he is entitled to rights under any contract or terms of appointment.

² Mme P. Bastid, President; The Lord Crook, Vice-President; R. Venkataraman, Member.

2. JUDGEMENT NO. 88 (3 OCTOBER 1963)³: DAVIDSON V. SECRETARY-GENERAL OF THE UNITED NATIONS

Question of reimbursement by the Secretary-General of the Social Security Self-Employment Tax paid by staff members of United States nationality on their United Nations salaries and emoluments—Interpretation of Staff Regulation 3.3

The applicant—a United States national—requested the Tribunal to order the Secretary-General to reimburse to him the Social Security Self-Employment Tax which he had been obliged to pay since the adoption by Congress in 1960 of legislation imposing the tax on the salaries and emoluments paid by international organizations to United States nationals. He contended in particular that, under United States fiscal law, the tax fell within the category of income tax and that Regulation 3.3 of the Staff Regulations of the United Nations obliged the Secretary-General to reimburse income taxes paid by staff members on their United Nations salaries and emoluments. Analysing the legislative history of Regulation 3.3, the Tribunal held that the Social Security Self-Employment Tax was not covered, for the purposes of reimbursement, by the term “national income taxes” appearing in the regulation. It found, therefore, that the reimbursement of the tax was not mandatory and rejected the application.

3. DECISION OF 3 OCTOBER 1963 UNDER ARTICLE 7 OF THE STATUTE OF THE TRIBUNAL⁴: RAYRAY V. SECRETARY-GENERAL OF THE UNITED NATIONS

Submission of a dispute directly to the Administrative Tribunal without prior reference to a joint appeals body—Article 7 of the Statute of the Tribunal

The applicant requested the Tribunal, under article 7, paragraph 5 of its Statute, to suspend the provisions of the Statute regarding time limits in order to consider an application directed against the termination in 1956 of his temporary indefinite appointment with the United Nations. The Tribunal noted that the parties had not agreed to submit the application directly to it and that the matter had not been previously referred to a joint appeals body. It found therefore that neither of the requirements laid down in article 7, paragraph 1, of its Statute had been fulfilled and that the request was not receivable.

4. JUDGEMENT NO. 89 (9 OCTOBER 1963)⁵: YOUNG V. SECRETARY-GENERAL OF THE INTERNATIONAL CIVIL AVIATION ORGANIZATION

Request by a former Technical Assistance official of ICAO for validation by the United Nations Joint Staff Pension Fund of service completed before his participation in the Fund—Interpretation of article III of the Regulations of the Joint Staff Pension Fund

This case had been submitted by an applicant who had served with the International Civil Aviation Organization as a technical assistance expert from 2 November 1951 to 31 December 1958 under several fixed-term contracts of less than two years' duration. The applicant, who became a participant in the Joint Staff Pension Fund on 1 January 1958, requested the Tribunal to order the validation by the Fund of the period of employment prior to that date and invoked, *inter alia*, article III of the Regulations of the Joint Staff Pension Fund. In its Judgement No. 84, the Tribunal put several questions to the parties concerning mainly

³ Mme P. Bastid, President; The Lord Crook, Vice-President; R. Venkataraman, Member; James W. Barco, Alternate Member.

⁴ Mme P. Bastid, President; The Lord Crook, Vice-President; R. Venkataraman, James W. Barco and L. Ignacio-Pinto, Members.

⁵ Mme P. Bastid, President; James W. Barco and L. Ignacio-Pinto, Members.

the purport of articles II and III of those Regulations, and postponed the consideration of the case. After receiving the replies of the parties, the Tribunal resumed the consideration of the application. In its Judgement No. 89, the Tribunal noted that, in a general circular issued in 1958, ICAO had based the contested decision on paragraph 4 of article III of the Regulations of the United Nations Joint Staff Pension Fund but that it had subsequently invoked paragraph 1 of that article instead of paragraph 4. The Tribunal considered that the respondent could not properly abandon, in a situation relating to an individual case, the legal position which it had taken in a document of general application. It held therefore that the dispute should be decided on the basis of paragraph 4 of article III. Interpreting that provision in the light of the applicant's contracts, the Tribunal found that it did not exclude the validation of previous service and rescinded the contested decision.

5. JUDGEMENT No. 90 (9 OCTOBER 1963)⁶: CHIACCHIA V. SECRETARY-GENERAL OF THE UNITED NATIONS

Powers of the Secretary-General with regard to the termination of probationary appointments—Interpretation of Staff Regulation 9.1(c)

The applicant requested the Tribunal to rescind the decision by which the respondent terminated her probationary appointment in 1961. The Tribunal recalled that it had consistently ruled that Regulation 9.1(c) of the Staff Regulations of the United Nations granted to the Secretary-General discretionary powers with respect to the termination of probationary appointments but that these powers should be exercised without improper motive which, if found, would constitute a misuse of power calling for the rescinding of the contested decision. The Tribunal noted that the applicant had not established the existence of any improper motive. As regards the applicant's complaints regarding the conditions prevailing in her service, the Tribunal observed that these complaints had been examined with the greatest care by the Joint Appeals Board and were known to the Secretary-General when he decided to maintain the contested decision. Accordingly, the Tribunal rejected the application.

B. Decisions of the Administrative Tribunal of the International Labour Organisation

[No decisions were rendered by the Administrative Tribunal of the ILO in 1963.]

⁶ Mme P. Bastid, President; James W. Barco and L. Ignacio-Pinto, Members.

Chapter VI

SELECTED LEGAL OPINIONS OF THE SECRETARIAT OF THE UNITED NATIONS AND RELATED INTER-GOVERNMENTAL ORGANIZATIONS

A. Legal opinions of the Secretariat of the United Nations

(Issued by the Office of Legal Affairs)

1. MEMBERSHIP OF MALAYSIA IN THE UNITED NATIONS

Note to the Secretary-General

1. On 16 September 1963 the Secretary-General received a letter from H. E. Dato'Ong Yoke Lin, who was accredited to the United Nations as Permanent Representative of the Federation of Malaya, notifying him that by the constitutional process of amendment the name of the "Federation of Malaya" had been changed to Malaysia. While not dealt with in this letter, the change of name had been accompanied by the addition of Singapore, Sabah (North Borneo) and Sarawak to the Federation of Malaya. Changes in the Constitution of the Federation of Malaya were also made "so as to provide for the admission of those States and for matters connected therewith" (Preamble to Malaysia Bill)¹.

2. The Federation of Malaya became a Member of the United Nations on 17 September 1957. It comprized at that time the following eleven States—Johore, Pahang, Negri Sembilan, Selangor, Perak, Kedah, Perlis, Kelantan, Trengganu, Penang and Malacca—which have a total area of approximately 50,700 square miles and a total population of approximately 7,400,000. Singapore has an area of 224 square miles and a population of approximately 1,700,000. Sabah (North Borneo) has an area of 29,388 square miles and a population of 500,000 and Sarawak an area of 47,500 square miles and a population of 800,000. North Borneo and Sarawak had been British Crown Colonies while Singapore was listed in the Statesman's Yearbook 1962 as a self-governing territory within the British Commonwealth.

3. The question may be considered whether the changes which have taken place in any way affect the membership of the Federation of Malaya in the United Nations. A careful examination of these changes in the light of relevant principles of international law and United Nations practice would clearly indicate a negative answer. There is no basis for considering a possible effect on United Nations membership as long as the identity of the Federation as an international person has not been substantially affected. None of the changes which have taken place in themselves, either singly or collectively, affect the international personality of the Federation. In international law it is clear that the acquisition of territory by a State does not destroy the international personality or legal identity of the State acquiring the territory. Neither does a change in name or a change in the Constitution affect the international personality or legal identity of a State in international law.

4. In Oppenheim, International Law, vol. I (8th ed., by Lauterpacht, pp. 153-154), it is stated:

¹ See paragraph 9 below.

“A State remains one and the same International Person in spite of changes in its headship, in its dynasty, in its form, in its rank and title, and in its territory. . . whatever may be the importance of such changes, they neither affect a State as an International Person, nor affect the personal identity of the State concerned.”

5. Among the precedents in United Nations practice are the following:

(a) The Federation of Ethiopia and Eritrea, which was brought about under United Nations auspices in 1952, did not alter in any way Ethiopia’s membership in the United Nations.

(b) On 1 June 1961 the Northern Cameroons under British administration joined the Federation of Nigeria as a separate province of the Northern Region of Nigeria. Nigeria’s membership in the United Nations was unaffected.

(c) On 1 October 1961 the Southern Cameroons under British administration and the Cameroon Republic combined in the Federal Republic of Cameroon. In this case the “Republic of Cameroon”, with the addition of the Southern Cameroons, became the “Federal Republic of Cameroon”, but there was no effect on the United Nations membership of the Republic.

(d) The admission of Alaska and Hawaii as States in the federation of the United States of America in 1959 had no effect on the United Nations membership of the latter.

(e) When Egypt and Syria formed a union under the name of the United Arab Republic in 1958 under a new Constitution, the United Arab Republic continued as a Member of the United Nations. When in 1961 the Union was dissolved, Syria automatically resumed its separate and original membership in the United Nations, and the United Arab Republic continued its membership.

(f) Siam was admitted to membership in the United Nations by General Assembly resolution 101 (I). The change of name to Thailand did not affect its membership.

(g) Other changes in name include Union of South Africa to Republic of South Africa, Czechoslovak Republic to Czechoslovak Socialist Republic, Kingdom of Yemen to Arab Republic of Yemen, etc. Changes in constitutions or the adoption of completely new constitutions have been too numerous to require enumeration.

6. It may also be noted that at the time of the division of British India into India and Pakistan, India was considered as continuing its membership while Pakistan was admitted as a new State under Article 4 of the Charter. At that time the Sixth Committee of the General Assembly was requested to indicate the rules applicable for future cases where new States were formed through division of a Member. The Sixth Committee replied (A/C.1/212):

“1. That, as a general rule, it is in conformity with legal principles to presume that a State which is a Member of the Organization of the United Nations does not cease to be a Member simply because its Constitution or its frontier have been subjected to changes, and that the extinction of the State as a legal personality recognized in the international order must be shown before its rights and obligations can be considered thereby to have ceased to exist.

“2. That when a new State is created, whatever may be the territory and the populations which it comprises and whether or not they formed part of a State Member of the United Nations, it cannot under the system of the Charter claim the status of a Member of the United Nations unless it has been formally admitted as such in conformity with the provisions of the Charter.

“3. Beyond that, each case must be judged according to its merits.”

7. An examination of the instruments relating to the establishment of Malaysia and the constitutional processes followed indicate that what has occurred is (1) an enlargement of the Federation of Malaya by the “admission” of Sabah (North Borneo), Sarawak and Singapore; (2) consequential amendments to the Constitution which leave the existing governmental structure intact; and (3) a change of name to “Malaysia”.

8. Article I of the Agreement relating to Malaysia of 9 July 1963 between the United Kingdom of Great Britain and Northern Ireland, the Federation of Malaya, North Borneo, Sarawak and Singapore² provides as follows:

“The Colonies of North Borneo and Sarawak and the State of Singapore shall be federated with the existing States of the Federation of Malaya as the States of Sabah, Sarawak and Singapore in accordance with the constitutional instruments annexed to this Agreement and the Federation shall thereafter be called ‘Malaysia’.”

9. In article II the Government of the Federation of Malaya undertook to secure enactment by its Parliament of an act in the form set out in annex A of the Agreement. Annex A, known as the “Malaysia Bill”, consisted of amendments to the Constitution of the Federation of Malaya. The first two paragraphs of the preamble state:

“WHEREAS on behalf of the Federation it has been agreed, among other things, that the British colonies of North Borneo and Sarawak and the State of Singapore shall be federated with the existing States of the Federation as the States of Sabah, Sarawak and Singapore, and that the name of the Federation should thereafter be Malaysia;

“AND WHEREAS, to give effect to the agreement, it is necessary to amend the Constitution of the Federation so as to provide for the admission of those States and for matters connected therewith. . .”

10. It will be noted that the Constitution of the Federation of Malaya is amended to provide for the “admission” of the three States, who shall be “federated with the existing States of the Federation”, and that “the name of the Federation should thereafter be Malaysia.” The specific amendments maintain the governmental and legal structure of the Federation of Malaya but change its name to Malaysia, make the necessary additions to provide for the new States, and contain special provisions relating to the new States.

11. The assumption throughout the amendments is that the three States are admitted to the Federation of Malaya which continues under the new name of Malaysia. Thus the Government and Parliament of the Federation of Malaya, with additional representation from the new States, continue as the Government and Parliament of Malaysia (see, for example, sections 8, 9 and 93–96). The laws of the Federation of Malaya consistent with the Constitution continue in effect but their application does not extend to the new States unless or until it is so extended by law (section 73). Special provision is made concerning succession of the Federal Government to public lands in the three new States but no provision concerning succession to the public lands in the Federation of Malaya was deemed necessary presumably since a continuity exists between the Federation of Malaya and Malaysia (See section 75).

12. An examination of the Agreement relating to Malaysia of 9 July 1963 and of the constitutional amendments, therefore, confirms the conclusion that the international personality and identity of the Federation of Malaya was not affected by the changes which have taken place. Consequently, Malaysia continues the membership of the Federation of Malaya in the United Nations.

13. Even if an examination of the constitutional changes had led to an opposite conclusion that what has taken place was not an enlargement of the existing Federation but a merger in a union or a new federation, the result would not necessarily be different as illustrated by the cases of the United Arab Republic and the Federal Republic of Cameroon. However, since in the present case it is clear that what has taken place is an enlargement of the Federation by the “admission” of Sabah, Sarawak and Singapore, it is not necessary to examine the more complicated problems which arose in the case of the United Arab Republic,

² Cmnd. 2094 (1963).

or which might be raised in the case of a merger of an existing State in a completely new federation.

14. On the basis of relevant principles of international law, United Nations practice and a study of the international and constitutional instruments involved, it may therefore be concluded that membership in the United Nations was not affected by (a) the admission of three additional States to the Federation of Malaya (b) the change of its name to Malaysia and (c) the constitutional changes connected therewith. The only actions which would therefore appear necessary would be the routine notifications and administrative arrangements normally followed when the Secretary-General is advised of a change in the name of a Member State. The enlarged Federation of Malaya continues its United Nations membership under its new name of Malaysia.

19 September 1963

2. RIGHT OF TRANSIT TO THE HEADQUARTERS DISTRICT—INTERPRETATION OF SECTIONS 11 AND 13 OF THE HEADQUARTERS AGREEMENT³

*Note to the Fourth Committee of the General Assembly*⁴

1. At its 1475th meeting on 11 November 1963 the Fourth Committee requested an opinion as to the legal implications of the possible appearance before it of Mr. Galvão.

2. The Committee will wish to take into account the limited character of the legal status of an individual invited to the Headquarters for the purpose of appearing before a Committee of the General Assembly or other organ of the United Nations.

3. Section 11 of the Headquarters Agreement between the United Nations and the United States of America provides that the federal, state or local authorities of the United States shall not impose any impediments to transit to or from the Headquarters district of (among other classes of persons) persons invited to the Headquarters district by the United Nations on official business. While such a person is in transit to or from the Headquarters district, the appropriate American authorities are required to accord him any necessary protection.

4. Apart from police protection, therefore, the obligations imposed on the host Government by the Headquarters Agreement are limited to assuring the right of access to the Headquarters and an eventual right of departure. The Headquarters Agreement does not confer any diplomatic status upon an individual invitee because of his status as such. He therefore cannot be said to be immune from suit or legal process during his sojourn in the United States and outside of the Headquarters district.

5. Two other provisions of the Headquarters Agreement serve to reinforce the right of access to the Headquarters. Section 13(a) specifies that the laws and regulations in force in the United States regarding the *entry* of aliens shall not be applied in such manner as to interfere with the privilege of transit to the Headquarters district. This provision, however, clearly assures admission to the United States without conferring any other privilege or immunity during the sojourn. Similarly, section 13(b) interposes certain limitations on the right of the host Government to require the departure of persons invited to the Head-

³ United Nations, *Treaty Series*, vol. 11, p. 11.

⁴ This opinion was given in accordance with a decision taken by the Fourth Committee at its 1475th meeting in connexion with a request for a hearing concerning Territories under Portuguese administration. It was originally made available as a conference room paper and was subsequently circulated as document A/C.4/621 in accordance with a decision taken by the Fourth Committee at its 1481st meeting.

quarters district while they continue in their official capacity; but this plainly relates to restrictions on the power of deportation and not, conversely, on a duty to bring about departure. Moreover, section 13(d) makes clear that, apart from the two foregoing restrictions, "the United States retains full control and authority over the entry of persons or property into the territory of the United States and the conditions under which persons may remain or reside there."

6. It is thus clear that the United Nations would be in no position to offer general assurances to Mr. Galvão concerning immunity from legal process during his sojourn in the United States. It might be that individual citizens of the United States might have civil causes of action against him and could subject him to service of process. While the Federal Government might have no intention, and might lack jurisdiction, to initiate any criminal proceedings against him, it is a known fact that there are legal limitations on the powers of the executive branch of the United States Government to ensure against any type of proceeding by another branch of the Government, including the judicial branch.

7. Moreover, apart from general restrictions in the Federal Regulations on the departure of an alien from the United States when he is needed in connexion with any proceeding to be conducted by any executive, legislative, or judicial agency in the United States, the attention of the Committee has already been invited to the possibility that extradition proceedings might be instituted against Mr. Galvão during his presence in this country. By an Extradition Convention⁵ of 7 May 1908 between Portugal and the United States persons may be delivered up who are charged, among other crimes, with piracy or with mutiny or conspiracy by two or more members of the crew or other persons on board of a vessel on the high seas, for the purpose of rebelling against the authority of the captain of the vessel, or by fraud or violence taking possession of the vessel, or with assault on board ships upon the high seas with intent to do bodily harm, or with abduction or detention of persons for any unlawful end. The extradition is also to take place for the participation in any of such crimes as an accessory before or after the fact. The Convention contains the usual exception for any crime or offence of a political character, or for acts connected with such crimes or offences (Articles II and III).

8. Whenever there is an extradition convention between the United States and any foreign government, any federal or state judge of the United States may issue a warrant for the apprehension of any person found within his jurisdiction who is properly charged with having committed within the jurisdiction of any such foreign government any of the crimes provided for by the convention. If, after hearing and considering the evidence of criminality, the judge deems it sufficient to sustain the charge under the convention, he must certify this conclusion to the Secretary of State of the United States in order that a warrant may issue upon the requisition of the proper authorities of the foreign government for the surrender of the person according to the terms of the convention.⁶

9. There is no precedent in the history of the Headquarters Agreement which would indicate whether an application of Federal Regulations restricting departure of an alien, by reason of proceedings against him not related to his presence at the United Nations, would constitute an impediment to transit "from the Headquarters district" within the meaning of section 11 of the Agreement. There is likewise no precedent which would indicate whether compliance by the Federal Government with the terms of an extradition treaty would conflict with the right of transit of an invitee from the Headquarters district. In this connexion it is important to note that what the United States Government has undertaken not to do,

⁵ Malloy, *Treaties and Conventions between the United States of America and other Powers*, vol. II, p. 1469.

⁶ 18 U.S. Code 3184.

by the terms of section 11, is to "impose" any impediment to transit from the Headquarters. To the extent that the presence of Mr. Galvão in the United States might in one manner or another give rise to proceedings against him by operation of existing law in relation to pre-existing facts (such as previous activities on his part), it could be argued that this did not constitute an action taken by the Government to impose an impediment on his departure.

10. The Legal Counsel is of course not in a position to pass upon the internal operations of United States law, much less upon the relations between the executive and judicial branches of the Government. Even if it should prove possible that the executive branch could, in the exercise of its authority over foreign affairs, certify and allow to the judicial branch that the freedom of Mr. Galvão to depart without impediment should override the authority of the courts to detain him, it is not clear on what basis an advance assurance could be given him. Likewise, even if a dispute were to arise between the United Nations and the United States on such an issue, it might eventually require referral to a tribunal of arbitrators under the terms of section 21 of the Headquarters Agreement.

11. In these circumstances, it must be recognized that a situation could arise by which the Fourth Committee was deprived of the advantage of receiving oral testimony from Mr. Galvão. Should he not be prepared to attend because of the inability of the host Government to confer upon him a general immunity, it is clear that his abstention from appearing would be his own, and not the affirmative imposition of an impediment to his transit. For it might only be at the moment of his attempted departure from the United States that an arbitrable dispute could arise as to whether he was entitled to depart notwithstanding proceedings which might in the meantime have been instituted against him.

12. Two other points of law were raised in the 1475th meeting of the Committee. It was suggested that, in the event of a conflict between the obligations of the United States under its Extradition Treaty with Portugal and the Charter, the obligations under the Charter would prevail by virtue of its Article 103. The difficulty here is that such rights as enure to Mr. Galvão stem directly from the Headquarters Agreement and not from any provision of the Charter, which does not cover invitees. The question was also raised as to whether the Treaty could be invoked before the General Assembly under Article 102 of the Charter. The sanction in the second paragraph of that Article, however, relates to treaties required to be registered with the Secretariat under that Article. The Extradition Treaty in question dates from the year 1908, whereas the duty to register relates only to treaties entered into by a Member after the coming into force of the Charter. It is also true that, in the hypothetical situation dealt with above, the risk is that the Extradition Treaty would be invoked in the United States courts rather than in the General Assembly.⁷

⁷ The following statement was made by the Legal Counsel at the 1479th meeting of the Fourth Committee on 13 November 1963 (A/C.4/SR. 1479):

Mr. Stavropoulos (Legal Counsel) said that he had asked to speak, not in order to correct the paper in which he had given his opinion or to give any additional information, but in order to provide some necessary clarification. It seemed to him that his paper was being called the Legal Counsel's "thesis", whereas it was promoting no thesis, and he did not want the Committee to go on discussing the matter under some misunderstanding.

He realized that the Legal Counsel's paper was most unpopular in the Committee. He could assure the Committee that it was equally unpopular with him, but it was his duty to give the Committee his honest opinion and that was what he had done.

The opinion he had given was not intended as an advocate's brief, because it did not press any particular argument. It reviewed the problem and the only conclusion it gave—which had been disregarded in the discussion of the law—was to be found in the first sentence of paragraph 6, viz: "It is thus clear that the United Nations would be in no position to offer general assurances to Mr. Galvão concerning immunity from legal process during his sojourn in the United States." Several delegations had stated that they disagreed with the arguments and conclusions of the Legal Counsel of the Secretary-General. He would repeat: he was not pleading a particular case, for he made one point only. Could the United Nations give the man assurances and then let him come to New York

3. RIGHT OF ACCESS TO UNITED NATIONS MEETINGS AND OFFICES

Note to the Under-Secretary for Economic and Social Affairs

It is a fundamental principle of the United Nations that representatives of the Members of the United Nations and officials of the Organization have the right of access to all meetings of the United Nations organs and to the offices of the United Nations to the extent necessary for the independent exercise of their functions in connexion with the Organization.

This right is recognized as included in the privileges and immunities which Article 105 of the Charter prescribes in paragraph 2 thereof:

“Representatives of the Members of the United Nations and officials of the Organization shall similarly enjoy such privileges and immunities as are necessary for the independent exercise of their functions in connexion with the Organization.”

It is also a corollary of the principle of sovereign equality expressed in Article 2, paragraph 1, that all Members of the United Nations are entitled to participate in the work of the Organization irrespective of the relations of their governments and the government on whose territory the United Nations meetings or activities are being held.

2. In implementation of these basic principles, the Convention on the Privileges and Immunities of the United Nations⁸ accords to “representatives of Members to the principal and subsidiary organs of the United Nations and to conferences convened by the United Nations” an exemption (in respect of them and their spouses) from immigration restrictions in the State they are visiting or through which they are passing in the exercise of their functions (Section 11. d). A similar exemption is accorded to officials of the Organization (Section 18. d). In addition, a number of “site” agreements have been entered into by the United Nations with host governments which stipulate in more detail the extent and definition of the right of access. Such agreements have been concluded, for example, with the United States in regard to the Headquarters and with the governments which act as hosts of the regional economic commissions and sub-regional offices.

3. The essential element in the right of access is that representatives of governments, officials of the Organization and other persons invited on official business shall not be impeded

and see him go to prison? If that happened, the matter could of course be submitted to arbitration, but meanwhile the man would be in prison.

He had said truthfully that the relevant treaty provisions were not clear on that particular point. The Committee was thus confronted with two problems. One was the Galvão problem and on that problem the Committee would have to take a decision. The other was whether the legal question should be clarified in the future; in other words, whether some additional work should be done by the Secretary-General on the underlying principle regardless of the Galvão case—though it could of course be done for the Galvão case too if the Committee was prepared to postpone that issue. For the present, the question was whether the Committee could assure a petitioner that he could come to Headquarters safely so long as there was some uncertainty about the law. In his opinion, that could not be done—unless the petitioner were brought by boat and, from a position outside the territorial sea, were flown by helicopter to land at the Headquarters site, where he could certainly not be arrested. Since that, however, was quite impracticable, there was no way of assuring him that he would not be arrested.

In short, the Legal Counsel had not said that the case was clear and that the matter should be resolved one way or another. On the contrary, he had himself raised the possibility of arbitration. He had said one thing only: that it was impossible in all good conscience to give a man assurances that if he came to New York he would not be arrested.

He would add one further comment: his opinion as a lawyer was that, whether or not the text was unclear, the United Nation should be in a position to bring anyone to Headquarters in special conditions. That, however, was not the point: the point was whether it could be done or whether a way of doing it should be found. He shared the apprehensions expressed by several delegations that the Committee might be prevented from hearing a petitioner because he might be afraid to come to Headquarters.

⁸ United Nations, *Treaty Series*, vol. 1, p. 15.

in their transit to or from the United Nations offices in connexion with meetings or other activities in which they are entitled to participate. Although this does not mean that the representatives of Member States have a right of entry to every United Nations office at any time, it clearly means that such right of access to United Nations premises must be granted to representatives of Members at least when they are entitled to attend meetings held in such premises or are invited to such premises in connexion with the official business of the Organization. This also implies that representatives of Member States and other persons having official business with the Organization should have the right to communicate freely with United Nations offices by mail, telephone or telegraph.

4. The Secretary-General has on several occasions emphasized the importance of compliance with the foregoing principles of access. He has noted that any derogation from these principles would be disruptive to the functioning of United Nations organs and contrary to the clear obligations of Member States under the Charter.

26 November 1963

4. PRIVILEGES AND IMMUNITIES OF PERMANENT MISSIONS IN RESPECT OF THEIR BANK ACCOUNTS

Memorandum to the Deputy Chef de Cabinet

...It is our view that it is not permissible for the host Government to interfere with the legitimate activities of the permanent missions to the United Nations by preventing these missions or their personnel from using funds on deposit in this country. From the legal standpoint, this is a matter covered by paragraph 2 of Article 105 of the Charter, which provides that representatives of Members shall enjoy in the territory of each Member such privileges and immunities as are necessary for the independent exercise of their functions in connexion with the Organization. It is also relevant that in resolution 257 (III) the General Assembly recognized that the presence at the seat of the Organization of permanent missions serves to assist in the realization of the purposes and principles of the United Nations...

15 July 1963

5. ESTABLISHMENT OF JOINT BODIES BY THE UNITED NATIONS AND OTHER INTER-GOVERNMENTAL ORGANIZATIONS

Letter to the Legal Counsel of the Food and Agriculture Organization of the United Nations

1. In reply to your letter of 14 December 1962 regarding provisions which may govern the establishment by the United Nations, acting in conjunction with other inter-governmental organizations, of joint bodies whose membership would be open to Member States of the United Nations and of the other inter-governmental organizations concerned, we would like to inform you that there exist no general provisions in the United Nations Charter or in the rules of procedure of the principal organs of the United Nations referring specifically to the establishment of such bodies.

2. The setting up of committees jointly with other international organizations would be considered as permissible in appropriate circumstances by application of the provisions of the United Nations Charter relating to the establishment of subsidiary organs of the Organization. Article 7, paragraph 2 of the Charter states "Such subsidiary organs as may be found necessary may be established in accordance with the present Charter". As regards the General Assembly, Article 22 of the Charter grants the Assembly specific authority to set up such subsidiary organs "as it deems necessary for the performance of its functions". Article 29 grants identical powers to the Security Council. Article 68 provides that the

Economic and Social Council “shall set up commissions in economic and social fields and for the promotion of human rights, and such other commissions as may be required for the performance of its functions”. Rule 71 of the Council’s rules of procedure specifies that the Council “shall define the powers and composition of each of them”. The Council is also empowered by rule 26 of its rules of procedure to set up “such committees as it deems necessary”. Rule 66 of the rules of procedure of the Trusteeship Council states that the Council “may set up such committees as it deems necessary”, and “define their composition and their terms of reference”.

3. Acting under these provisions the principal organs of the United Nations have established during the years a great number of commissions and committees. These subsidiary organs are frequently composed of States. Their membership may include all Member States as in the case of the Committee on arrangements for a conference for the purpose of reviewing the Charter (General Assembly resolution 992 (X)), or a number of specified Member States, in which case commissions or committees are often designated as special or *Ad Hoc* commissions or committees. As is the case of the Executive Board of UNICEF (General Assembly resolution 417 (V)), or the Governing Council of the Special Fund (General Assembly resolution 1240 (XIII)), certain non-Member States may also be included when appropriate. Other subsidiary organs consist of several individuals, or of a single individual, appointed in their individual expert capacity. In some instances, as in the case of the Technical Assistance Board (Economic and Social Council resolution 222 A (IX)), a subsidiary organ is composed of the executive heads, or their representatives, of the United Nations and the specialized agencies. The Administrative Committee on Co-ordination established by Economic and Social Council resolution 13 (III), which is a subsidiary organ of the Council, also consists of the executive heads of the United Nations and of the specialized agencies.

4. As you know, the joint United Nations FAO Inter-Governmental Committee for the World Food Programme, which consists of 20 nations members of FAO and the United Nations, was established on behalf of the United Nations by General Assembly resolution 1714 (XVI).

4 January 1963

6. ENLARGEMENT OF THE ECONOMIC COMMITTEE, THE SOCIAL COMMITTEE AND THE
CO-ORDINATION COMMITTEE OF THE ECONOMIC AND SOCIAL COUNCIL

Memorandum to the Secretary of the Economic and Social Council

1. The distinction you have made in your memorandum between standing and sessional committees of the Economic and Social Council is, of course, perfectly correct, but we do not think that it is necessary to draw therefrom necessarily rigid consequences. The Council’s rules of procedure make a distinction between “Commissions” (chapter XII), which correspond to those referred to in Article 68 of the Charter, and “Committees of the Council” (chapter V). The latter are set up at each session but they “may be authorized to sit while the Council is not in session” (rule 26). Their members are “nominated by the President, subject to approval of the Council, unless the Council decides otherwise” (rule 27). It is not required that they should consist solely of representatives of members of the Council.

2. The draft resolution contained in document A/C. 2/L.735 is therefore incomplete in the third paragraph of its preamble when it refers only to Article 68 of the Charter. The article which is relevant to the composition of sessional committees would be Article 72, which relates to the procedure of the Council. It might therefore be advisable to add a reference to Article 72 in the third paragraph of the preamble of the draft resolution.

3. There would appear to be no legal objections to the Assembly requesting the Council to enlarge the membership of three of its sessional committees. It remains, however, the prerogative of the Council, under the Charter, to decide on the setting up as well as on the composition of its committees. It would therefore be preferable, in our opinion, that the draft resolution use in its operative part the words "Recommends to the Council" rather than "Invites the Council". The operative part might then be worded as follows:

"*Recommends* to the Council to give, at its thirty-sixth session, prompt and favourable consideration to the desirability of enlarging the membership of its Economic, Social and Co-ordination Committees and to carry out forthwith necessary elections so as to permit that the composition of these committees should better reflect the present membership of the Organization."

4. The action of the Council in response to this request might merely consist in the adoption of a resolution relating to the composition of the three committees for such a period of time as the Council may decide. Because, however, of the present wording of rule 26 of its rules of procedure ("At each session, the Council may set up such committees. . ."), a more appropriate action might be for the Council to add to its rules of procedure a new provision stating that the three committees will consist of representatives of all members of the Council and of representatives of a certain number of States not members of the Council which may be elected by the latter.

9 December 1963

7. COMPOSITION OF THE INTER-SESSIONAL WORKING GROUP OF THE COMMITTEE FOR INDUSTRIAL DEVELOPMENT—CONTINUATION OF MEMBERSHIP OF PERU AND POLAND

Memorandum to the Secretary of the Economic and Social Council

1. Although there are no specific rules governing the membership of working groups it has been the general practice of the Economic and Social Council and its subsidiary organs to limit the membership of such working groups to the members of the Council or the respective committee. This has been so even in the case of working groups established to function in between sessions of the parent body. In line with this practice, the membership of Peru and Poland would normally terminate with the cessation of their membership in the parent committee.

2. However, we would see no great objection if in the present circumstances they continued to take part in the working group at its forthcoming session until the committee itself opened its new session. At that time, of course, they would be replaced by two new members. This suggestion is put forward on the assumption that the members of the committee desired to have a certain balanced representation in the working group and that it would probably frustrate this purpose if the two members in question dropped out without equivalent replacements.

3. Consequently, if there appears to be no substantial objection it seems to us that it would be permissible as a matter of discretion to maintain the membership of Peru and Poland until the next meeting of the Committee for Industrial Development.

17 January 1963

8. UNITED NATIONS CONFERENCE ON TRADE AND DEVELOPMENT—QUESTION OF INVITING THE FEDERATION OF RHODESIA AND NYASALAND

Memorandum to the Deputy Under-Secretary for Economic and Social Affairs

In response to your memorandum of 19 February, we wish to say that it is clear that the Federation of Rhodesia and Nyasaland should not be considered as a "State" for the purpose

of an invitation to the Conference under paragraph 4 (a) of General Assembly resolution 1785 (XVII). While it is true that the Federation is a member of ITU, this in itself is not decisive of its status as a "State" since under the ITU Convention "groups of territories" can be and are full members. Our practice in regard to other conferences for which invitations are extended under the same formula as that in resolution 1785 (XVII) has been in accord with this position, namely that the Federation of Rhodesia and Nyasaland is not to be considered as a State. The fact that the Federation has been invited to commodity meetings and is a party to GATT is attributable, as you know, to the initial invitation extended to its predecessor, Southern Rhodesia, for participation in the Havana Conference of 1947. This circumstance or the subsequent history would not change the conclusion that the Federation is not to be regarded as a State.

21 February 1963

9. PARTICIPATION IN THE 1964 LATIN AMERICAN SEMINAR OF EXPERTS ON FOREIGN TRADE—
INTERPRETATION OF ECONOMIC COMMISSION FOR LATIN AMERICA RESOLUTION 221 (X)
OF 16 MAY 1963

Memorandum to the Secretary of the Economic and Social Council

1. With reference to your memorandum of 10 October, we are of the opinion that there would be no legal barrier to a decision by the Secretariat of ECLA to conduct the seminar in "closed" meetings which would be restricted to the participants and would exclude observers from Governments of the non-Latin American countries. A restriction of this kind which is based on the geographical factor and not on a political ground would not be contrary to United Nations principles or practice. There are several precedents for the regional commissions holding meetings of governments or experts which are limited to participants from the countries of the region rather than the full membership of the commission in question.

2. Moreover, in the case at issue a decision by the Secretariat to limit the meeting to designated "specialists" from the region would not be inconsistent with the purpose and language of the ECLA resolution. The resolution as such does not require such restriction since it only calls for the "co-operation of specialists appointed by the Governments of all the Latin American countries"; consequently, a decision to proceed on a "closed" basis would clearly be the responsibility of the Secretariat. Such a decision may, however, be justified on the basis of the indication in the resolution that the Secretariat studies (and by implication the seminar) should have the objective of assisting the Latin American countries to adopt a concerted position at the United Nations Conference on Trade and Development and on the assumption that the Latin American Governments and their specialists can best attain the objective through meetings which are not open to non-participants.

18 October 1963

10. PARTICIPATION OF FOUNDATIONS IN SOME OF THE ECAFE SEMINARS

Memorandum to the Secretary of the Economic and Social Council

1. This is in reference to the request for advice on whether participation of foundations (such as the Ford Foundation and Asia Foundation) in ECAFE seminars is permissible within the rules of procedure of the Commission or within the practices established for the United Nations as a whole.

2. In our opinion, non-governmental organizations which do not enjoy consultative status with the Economic and Social Council are not entitled to participate in ECAFE seminars or to be given the legal status of observers under existing rules and practices. As

you know, principles adopted by the Economic and Social Council in resolution 288 (X) on consultative arrangements with non-governmental organizations apply specifically to ECAFE under paragraph 11 of its terms of reference and chapter XI of its rules of procedure.

3. However, we see no legal objection to the attendance of representatives of foundations to ECAFE seminars as "guests" in public meetings without having the right to participate in the discussions or to have written statements distributed by the Secretariat. No official status, of course, would be accorded to them. There would be no objection to providing such representatives with documents of the seminar which are not restricted.

4. As regards those seminars where participants act in their individual capacity and are selected primarily by the Executive Secretary, he may of course designate a representative of a foundation who is an expert in the field to participate in the meeting in his personal capacity.

17 September 1963

11. ELIGIBILITY OF WESTERN SAMOA FOR TECHNICAL ASSISTANCE UNDER THE REGULAR PROGRAMME—INTERPRETATION OF GENERAL ASSEMBLY RESOLUTION 200 (III) OF 4 DECEMBER 1948

Memorandum to the Director of the Bureau of Technical Assistance Operations, Department of Economic and Social Affairs

1. You have requested our advice in regard to the question whether Western Samoa would be eligible to receive assistance under the provisions of General Assembly resolution 200 (III).

2. The question of Western Samoa's eligibility for assistance under resolution 200 (III) was considered in the memorandum dated 27 March 1962 addressed by this Office to the Bureau of Technical Assistance Operations, paragraph 4 of which noted that resolution 200 (III) provided for the grant of assistance "when requested. . . by Member Governments" and that the intention of the Assembly to so limit eligibility was further evidenced by the substitution, in the draft resolution on the subject, of the expression "Member Governments" for the expression "Governments participating in the work of the United Nations" which would have made non-member countries participating in the work of the regional commissions eligible for assistance. And, as you will note, after some further reference to certain considerations of a general nature in paragraph 7, the opinion was expressed in the memorandum that it was doubtful whether Western Samoa would be eligible for assistance until such time as it did become a Member of the United Nations.

3. We also refer to certain resolutions and discussions of the Economic Commission for Asia and the Far East and of the Economic and Social Council that appear to be pertinent. There is in the first instance the ECAFE resolution on technical assistance for certain associate member countries (E/CN.11/226) which was adopted on 29 October 1949 at the fifth session of the Commission in light of Assembly resolution 200 (III). Having taken "note that, under paragraph 3 [of resolution 200 (III)], the technical assistance programme is limited to Member nations of the United Nations", the ECAFE resolution requested the Economic and Social Council to draw the attention of the General Assembly to the need for technical assistance in certain associate member countries of the Commission which are responsible for their own international relations, and recommended that the needs of such countries be represented to the Assembly with a view to its considering the desirability of making an exception to the limitations set forth in resolution 200 (III), such exception to apply to those countries which hold associate membership in a regional economic commission.

4. In response to the ECAFE resolution a draft resolution (E/AC.6/L.1 and Corr. 1) was submitted on 9 February 1950 by the delegation of Chile to the Economic Committee of the Economic and Social Council at its tenth session (see E/AC.6/SR.82). The draft resolution contained the recommendation that the Assembly should take account of the fact that several self-governing countries which participated as associate members in the work of the regional economic commissions were not now eligible to request technical assistance from the United Nations under resolutions 200 (III) and that the Assembly should decide to amend the first clause of paragraph 3 of resolution 200 (III) by inserting after the words "Member Governments" the words "and any non-member country which is responsible for its international relations and participates as an associate member in the work of any of the regional economic commissions of the United Nations". The draft resolution was not considered by the Council at its tenth session and consideration thereof was deferred to the next session of the Council.

5. At the eleventh session of the Council, however, the delegation of Chile informed the Council at its 412th meeting that it was withdrawing its draft resolution in view of the fact that the expanded programme of technical assistance had been put into operation. With reference to the withdrawal of the draft resolution statements were made by the representatives of France and of the United Kingdom in which they intimated that had the draft resolution been maintained they would have expressed themselves in its favour. At that stage the President of the Council drew the attention of the members to the draft resolution that had been proposed by the Secretariat, contained in a footnote to paragraph 3 of the Secretary-General's report on activities under General Assembly resolution 200 (III) (E/1700)⁹, which among other things recommended that the requests for technical assistance for economic development received by the Secretary-General in accordance with resolution 200 (III) which could not be financed with funds provided in the regular budget of the United Nations should be financed with funds received by the Secretary-General from the special account for technical assistance for economic development established in accordance with General Assembly resolution 304 (IV).¹⁰ Shortly thereafter the Assistant Secretary-General in charge of the Department of Economic Affairs also made a statement in which he informed the Council that "the administration of technical assistance under General Assembly resolutions 200 (III) and 222 (III)¹¹ would be unified. The Secretary-General had already made arrangements for all work in response to requests for technical assistance to be carried out by a single unit at Headquarters. Circularization of information regarding requests made under those resolutions would be similarly treated." The Council then unanimously adopted a resolution [resolution 291 A(XI) on technical assistance for economic development under Assembly resolution 200 (III)] which recommended to the General Assembly, with one amendment which is not of immediate relevance, the draft resolution proposed in the report of the Secretary-General.

⁹ The report does not specifically relate the proposed draft resolution to the ECAFE resolution. However, there is the following passage in the earlier report of the Secretary-General to the tenth session of the Economic and Social Council (E/1576), paragraph 66: "The Council also has before it another resolution submitted for its consideration by the Economic Commission for Asia and the Far East. . . The Council will further wish to be reminded of the fact that its own resolution 222 A (IX) dealing with the expanded programme of technical assistance for economic development of under-developed countries contemplates the extension of technical assistance to any country which is a member of either the United Nations or of any of the 'participating organizations'. . . Thus some fourteen non-members of the United Nations which are not now eligible for technical assistance under resolution 200 (III) will become eligible for such assistance when the special account authorized under resolution 222 A(IX) is established."

¹⁰ In resolution 304 (IV) on the expanded programme of technical assistance for economic development of under-developed countries, the General Assembly approved the principles of the expanded programme as set out in resolution 222 A(IX) of the Economic and Social Council.

¹¹ The reference in the summary records to resolution 222 (III) should read resolution 222 (IX) (of the Economic and Social Council).

6. The draft resolution submitted to the fifth session of the General Assembly by the Economic and Social Council was considered by the Second Committee and adopted without further discussion on the point, and was then adopted by the Assembly in plenary session, without discussion, as resolution 399 (V) on technical assistance activities under General Assembly resolution 200 (III).

7. In light of the express provisions of General Assembly resolution 200 (III) and of the other considerations referred to in our memorandum dated 27 March 1962 and of the resolutions and discussions of ECAFE and of the Economic and Social Council we have noted above, it would not in our opinion be proper to consider Western Samoa as eligible to receive assistance under resolution 200 (III) until such time as it becomes a Member of the United Nations. However, should it be considered necessary that requests of this nature should in the future be met under resolution 200 (III), we would suggest as a possible solution that in the course of the next report to be made by the Secretariat on the technical assistance programme for ultimate submission to the General Assembly, an appropriate reference might be made to the advisability of interpreting resolution 200 (III) so as to apply to requests for assistance from associate members of regional economic commissions. Thereafter the consideration and noting of the report by the General Assembly should provide the Secretariat with a basis for the grant of such assistance to countries participating in the membership of the regional economic commissions. For the present, however, the immediate requests from Western Samoa should be dealt with for financing under the expanded programme of technical assistance.

11 April 1963

12. ELIGIBILITY OF WESTERN SAMOA FOR TECHNICAL ASSISTANCE IN PUBLIC ADMINISTRATION
—INTERPRETATION OF GENERAL ASSEMBLY RESOLUTION 1256 (XIII) OF 14 NOVEMBER 1958

Memorandum to the Officer-in-Charge of the Division of Public Administration, Department of Economic and Social Affairs

1. In your memorandum of 15 February 1963, you requested our advice on certain questions which you raised on the basis that Western Samoa would not be eligible to receive assistance under the provisions of General Assembly resolution 1256 (XIII) which established the programme for the provision of operational, executive and administrative personnel (OPEX programme).

2. The memorandum dated 27 March 1962 addressed by this Office to the Bureau of Technical Assistance Operations, to which your memorandum refers, considered the general subject of the eligibility of Western Samoa to receive technical assistance under the United Nations regular technical assistance programme; and the opinion was there expressed that there was an uncertainty as to whether Western Samoa was eligible for such assistance unless it became a Member of the United Nations. In regard to resolution 1256 (XIII) itself, to which our memorandum contained a reference, we noted that the resolution did not specifically limit the grant of assistance thereunder to Members of the United Nations. We had also referred to the provisions of General Assembly resolution 52 (I), the resolution which initially established the United Nations programme of technical assistance, which were to the effect that in general only Members of the United Nations were eligible for such assistance.

3. We have now examined specifically the question of the eligibility of Western Samoa to receive assistance under resolution 1256 (XIII) and it would appear to us, in light particularly of certain statements made in the Second Committee at the thirteenth session of the Assembly which pertain to the relevant provisions of resolution 1256 (XIII), that it should be permissible to consider Western Samoa as eligible to receive assistance under that resolution.

4. The first statement in the Second Committee which is of relevance is the statement of the representative of Tunisia, at the 545th meeting, that the recommendation in operative paragraph 2 of the draft resolution (A/C.2/L.379) with as amended was adopted as resolution 1256 (XIII) confined itself to "Member Governments", whereas some of the countries he had in mind were not yet Members of the Organization, and that the sponsors of the draft resolution might perhaps bear that point in mind. The relevant provisions of the draft resolution were as follows:

"1. Takes note with satisfaction of the results already achieved by the United Nations Technical Assistance programmes in the field of public administration;

"2. Recommends that these programmes be supplemented with a view to:

(a) Assisting Member Governments at their request to secure on a temporary basis. . ."

In response to this statement the word "Member" was deleted by the sponsors of the draft resolution, and the representative of Sudan so informed the Committee at its 546th meeting. The representative of Pakistan, also a sponsor, informed the Committee shortly thereafter that the sponsors "had decided to delete the word 'Member' from operative paragraph 2 (a) in order to bring their text more closely into line with that of Economic and Social Council resolution 681 (XXVI)".¹² "It was obvious", he stated, "that the reference was to Governments participating in technical assistance programmes". Speaking again towards the end of the 546th meeting, the representative of Pakistan referred to various suggestions that had been made at that meeting and stated among other things that "in order to make the text perfectly clear, the words 'Member Governments' in operative paragraph 2 (a) would be replaced by the words 'Governments participating in these programmes'." A revised draft resolution (A/C.2/L.379/Rev.1) was introduced by the sponsors at the 547th meeting of the Committee which contained the following provisions, which are to be found in the resolution as finally adopted, with the exception of the words in parenthesis:

"1. Takes note with satisfaction of the results already achieved by the United Nations Technical Assistance programmes in the field of public administration;

"2. [Recommends that these programmes be supplemented] with a view to:

(a) Assisting Governments participating in these programmes, at their request, to secure on a temporary basis. . ."

After the adoption of the draft resolution, the representative of Tunisia, at the Committee's 549th meeting, "thanked the sponsors of the draft resolution for having taken into account his suggestions regarding the language of operative paragraph 2 (a)", and stated that he "had voted for the draft resolution in the hope that the Technical Assistance Administration would take into consideration requests for assistance in public administration from independent countries—such as Guinea—which were not yet Members of the United Nations".

5. In light of these proceedings a conclusion that the grant of assistance under the provisions of resolution 1256 (XIII) should be restricted solely to Members of the Organization would not in our opinion be a proper one. Indeed, that the resolution was not so understood by the Secretariat is evident from its reports to the Economic and Social Council and to the General Assembly on the progress of the OPEX programme in which reference is made to the grant of OPEX assistance to certain countries which are not or which at the date of such assistance were not Members of the United Nations.

¹² The relevant provisions of resolution 681 (XXVI) were as follows :

"1. Recommends to the General Assembly that the Secretary-General be authorized, on a limited and experimental basis, and as a supplement to the existing United Nations programmes of technical assistance, but without increase in administrative costs:

(a) To aid Governments, on request, to obtain the temporary services of. . ."

6. On the other hand, through use of the words "Assisting Governments participating in these programmes" in operative paragraph 2(a) the resolution sets a qualification for the eligibility of governments to assistance under the resolution, namely their participation "in these programmes", viz., the "United Nations technical assistance programmes in the field of public administration" referred to in its operative paragraph 1. It would seem to us, however, that Western Samoa could be considered as having satisfied such requirement for eligibility in view of the fact that it appears to have already received some assistance under the United Nations programme of technical assistance in public administration, as is evident from the statement of 7 February 1963 on 1962 contingency authorizations, submitted by the Executive Chairman of the Technical Assistance Board to the Organizations represented on the Board, which contains a notation on an authorization made in respect of a public administration project in Western Samoa under the United Nations Technical Assistance Administration (TAB/WCR/751, p. 13).

7. It would seem to us for these reasons that Western Samoa might properly be regarded as eligible to receive assistance under the provisions of resolution 1256 (XIII) and accordingly that a request from Western Samoa for assistance under the Agreement of 5 November 1962 between the United Nations and the Government of Western Samoa would be one which the United Nations might properly grant. In these circumstances the questions in your memorandum which were posed on the basis that Western Samoa would not be eligible to receive assistance under resolution 1256 (XIII) should not in fact arise.

13 March 1963

13. SPECIAL TRAINING PROGRAMME FOR TERRITORIES UNDER PORTUGUESE ADMINISTRATION—
IMPLEMENTATION OF GENERAL ASSEMBLY RESOLUTION 1808 (XVII) OF 14 DECEMBER
1962

*Memorandum to the Senior Director, Office of the Executive Chairman,
Technical Assistance Board*

1. In response to your memorandum of 1 February 1963, we have reviewed the TAB Secretariat note on a special training programme for Territories under Portuguese administration established by the General Assembly in resolution 1808 (XVII).

2. The note in question raises three basic issues: (1) whether it was the intention of the General Assembly to amend existing legislation and principles governing the expanded programme to enable it to finance the special training programme; (2) whether the forms of assistance contemplated in the resolution fall within the usual fields of assistance covered by the expanded programme; and (3) whether the TAB policy regarding the grant of fellowships to expatriates should apply to fellowships for persons normally resident in a Portuguese territory but temporarily residing elsewhere.

3. We agree with the conclusion in the note concerning the second issue, namely, that the forms of assistance envisaged in the resolution fall within the normal scope of the expanded programme of technical assistance activities and are thus eligible for financing from expanded programme funds. In our opinion, however, resolution 1808 (XVII) requires an approach to the other two questions different from that taken in the note. The resolution, in expressing the General Assembly decision "to establish. . . a special training programme for Territories under Portuguese administration" and its desire that the Secretary-General resort to existing assistance programmes in implementing such a special programme, manifests an intention to set up a new programme which would not necessarily be coterminous with those already in existence. What is more, the resolution has highlighted certain features of that special programme which do not conform to the normal requirements of the Expanded

Programme of Technical Assistance and which emphasize its novel character. The extension of the benefits of existing assistance programmes to the indigenous inhabitants of Portuguese territories temporarily residing outside those territories, and the provision of assistance to the peoples in question rather than to the entity exercising the powers of government in the Portuguese territories, constitute a departure from a basic principle of the expanded programme to which reference is made in your note, namely, that assistance should be given only to or through governments and on the basis of requests received from them. It will also be observed that the Secretary-General is requested by the resolution "to establish appropriate machinery for dealing with applications from Territories under Portuguese administration for education and training outside the Territories", which might be construed as envisaging a procedure for dealing with applications outside of the usual Resident Representative and country programme arrangements.

4. Since the resolution lays down a mandate for the Secretary-General, it is obviously necessary that its terms be carried out. To the extent required to give effect to its terms, therefore, General Assembly resolution 1808 (XVII) should be considered as providing authority to utilize expanded programme funds for its purposes without regard to conditions which would normally apply but which cannot be met in view of the nature of the circumstances which led to the establishment of the special training programme. In this regard, resolution 1808 (XVII) may be deemed as enabling legislation adopted for special purposes, similar to the decision which the General Assembly took in the case of Libya in resolution 398 (V), which made Libya eligible to receive assistance under the expanded programme even prior to the time it met the requirement of membership in either the United Nations or one of the participating specialized agencies. It may be contrasted to the action taken by the General Assembly in resolutions 439 (V) and 444 (V), in which the Assembly merely drew the attention of metropolitan Powers to existing possibilities for technical assistance to Non-Self-Governing and Trust Territories and invited such Powers to make full use of such resources, without waiving any of the normal requirements of the basic resolutions governing those programmes.

5. Although we agree that it was not the intention of the General Assembly permanently to amend existing general legislation relating to the Expanded Programme of Technical Assistance, it is our view that General Assembly resolution 1808 (XVII), in order to make it possible to implement the special training programme for Territories under Portuguese administration, implies an exception to certain general rules laid down in other resolutions. With respect to the third issue, the considerations stated above lead to the conclusion that the policy adopted by the TAB for the award of fellowships to expatriates, which policy was adopted in 1961 prior to the establishment of the special training programme in question by the General Assembly in a resolution adopted on 14 December 1962 and without taking the latter resolution into account, should not be applied to fellowships for persons indigenous to a Portuguese territory but temporarily residing elsewhere. The TAB policy in question was obviously adopted to give effect to the general principle that assistance should be given only to the government of a territory, whereas the special training programme, as already pointed out above, implies a departure from this principle. If the General Assembly had not taken the decision reflected in resolution 1808 (XVII), application of the TAB policy in this case could be deemed appropriate and a grant of fellowships for persons normally resident in Portuguese territories but temporarily residing outside could be restricted to situations where such persons are in the employment of the government of the territory in which they reside and no national candidates are available for the same fellowships. However, this policy is at variance in important respects with the General Assembly decision, and there can be little doubt in the circumstances that the latter should prevail.

13 February 1963

14. STATUS OF THE AGREEMENTS OF 7 JANUARY 1960¹³ AND 25 JULY 1961¹⁴ BETWEEN THE UNITED NATIONS SPECIAL FUND AND, RESPECTIVELY, THE GOVERNMENT OF THE UNITED KINGDOM AND THE GOVERNMENT OF THE FEDERATION OF MALAYA, AS REGARDS SINGAPORE AND SABAH (NORTH BORNEO)

Memorandum to the Director of the Bureau of Operations, United Nations Special Fund

1. This refers to your memorandum of 15 October 1963 requesting advice in regard to certain questions involving the relations between the Special Fund and Malaysia and arising out of the change in the name of this Member State and its acquisition of territories which formerly were represented in international affairs by the United Kingdom.

2. We note that the Special Fund has projects in what was formerly North Borneo and in Singapore and that these projects will terminate in December 1964 and July 1968, respectively. Before replying to the specific questions raised in your memorandum, the question of the status and the applicability of the Special Fund Agreements with the United Kingdom and with Malaya should first be examined in relation to the territories concerned.

3. As you know, the Agreement between the United Kingdom and the Special Fund was intended to apply to Special Fund projects in territories for the international relations of which the United Kingdom is responsible (see, e.g., the first paragraph of the preamble to the Agreement). In view of the recent changes in the international representation of Sabah (North Borneo) and Singapore, the United Kingdom Agreement may be deemed to have ceased to apply with respect to those territories in accordance with general principles of international law,¹⁵ and this would be true notwithstanding that the Plans of Operation for the projects technically constitute part of the Agreement with the United Kingdom under article I, paragraph 2, of that Agreement. Although the Special Fund could take the position that the United Kingdom Agreement has devolved upon Malaysia and that it continues to apply to Singapore and Sabah (North Borneo), this could well result in two separate agreements becoming applicable within those territories (i.e., the United Kingdom Agreement for projects already in existence and, as explained below, the Agreement with Malaya with respect to future projects), a situation which could give rise to confusion and should be avoided if possible.

4. As regards the Agreement between the Special Fund and Malaya, it continues in force with respect to the State now known as Malaysia since the previous international personality of the Federation of Malaya continues and has no effect on its membership in the United Nations. Similarly, the Agreement between the Special Fund and the Federation of Malaya should be deemed unaffected by the change in the name of the State in question. Moreover, we are of the opinion that the Malayan Agreement applies of its own force and without need for any exchange of letters to the territory newly acquired by that State, and to Plans of Operation for future projects therein,¹⁶ in the absence of any indication to the contrary from Malaysia.

5. Turning now to the specific questions posed in your memorandum, we think it would be useful for the Special Fund to have an exchange of letters with the Government of Malaysia confirming that the Special Fund Agreement with Malaya now applies to the existing Special Fund projects in Singapore and Sabah (North Borneo) and that the Government of Malaysia therefore accepts responsibility for the fulfilment with respect to such projects of the obligations laid down on a Recipient Government under the Agreement be-

¹³ United Nations, *Treaty Series*, vol. 348, p. 177.

¹⁴ *Ibid.*, vol. 401, p. 159.

¹⁵ McNair, *Law of Treaties*, Oxford, 1961, p. 638.

¹⁶ *Ibid.*, p. 633.

tween the Special Fund and Malaya. This would be desirable in view of the specific reference to the United Kingdom Agreement in the Plans of Operation relating to these projects. As regards future projects, no similar exchange of letters is necessary. It would suffice for the Plans of Operation for future projects to refer in the usual way to the Agreement between the Special Fund and Malaya. Since requests to the Special Fund for projects in Singapore and Sabah (North Borneo) would presumably emanate in the future from the central Government of Malaysia, this position would be completely consistent with the Agreement with Malaya, which by its terms applies to assistance provided by the Special Fund in response to requests received from the Government of Malaya. For reasons already given above, we would not recommend that the Special Fund regard the Government of Malaysia as successor to the United Kingdom under the United Kingdom Agreement for these territories, whether for existing or future projects in those territories.

20 November 1963

15. WAIVER OF PRIVILEGES AND IMMUNITIES OF A SPECIALIZED AGENCY PARTICIPATING IN A SPECIAL FUND PROJECT AS A SUB-CONTRACTOR

*Memorandum to the Associate Director of the Bureau of Operations,
United Nations Special Fund*

1. You have raised the question of who should have the right to waive the privileges and immunities of a specialized agency which has been retained by another specialized agency to assist the latter in the execution of a project.

2. Article XI of the standard Agreement between the Special Fund and FAO¹⁷ and other specialized agencies acting as executing agency was intended to apply only to cases where the sub-contractor concerned is a firm or organization other than a specialized agency. Where the sub-contractor is another specialized agency, article XI would not apply and would therefore not provide a basis for the executing agency to waive the immunities of the second specialized agency.

3. We are of the opinion that any waiver of the privileges and immunities of a specialized agency serving as a sub-contractor should be effected by the specialized agency itself. Under section 22 of the Convention on the Privileges and Immunities of the Specialized Agencies,¹⁸ the right and the duty to waive the immunity of an official rests with "each specialized agency", and the mere fact that the specialized agency concerned happens to be acting in the capacity of a sub-contractor in regard to a particular project cannot vary the terms of the Convention. A problem, however, would arise where the country recipient of Special Fund assistance is not a party to the Convention and is bound to apply its terms solely on the basis of article VIII, paragraph 2, of the standard Special Fund Agreement with governments.¹⁹ As you know, this provision requires that the Government apply the Convention "to each specialized agency acting as an Executing Agency"; where the specialized agency concerned is acting as a sub-contractor, it would not meet the literal requirement of the provision in question. However, this problem could be solved by a clause in the Plan of Operation stipulating that any specialized agency retained by the executing agency to assist it in the project shall be entitled to the privileges and immunities of a specialized agency acting as an executing agency as envisaged in paragraph 2 of article VIII of the Agreement between the Special Fund and the Government. In this way, a specialized agency would not be treated less favourably when acting as a sub-contractor than it would when filling the role of an executing agency.

7 January 1963

¹⁷ United Nations, *Treaty Series*, vol. 341, p. 353.

¹⁸ *Ibid.*, vol. 33, p. 261.

¹⁹ See p. 31 of this *Yearbook*.

16. VESSELS TO BE USED IN THE UNITED NATIONS SPECIAL FUND CARIBBEAN FISHERY PROJECT

*Memorandum to the Associate Director of the Bureau of Operations,
United Nations Special Fund*

1. We refer to your memorandum of 7 May in which you have raised several questions related to the ships to be used in the United Nations Special Fund Caribbean Fishery Project.

2. You state that it is contemplated that the vessels will be provided through (a) voluntary contributions of participating governments, and (b) purchase by the Special Fund of new or used vessels, most probably from Japan. Your first question is whether the Special Fund should take title for the duration of the project to vessels of either or both categories.

3. This is a question which should be resolved on the basis of financial policy and the requirements of the project. We note that on this basis the United Nations Special Fund Caribbean Fishery Mission has recommended in its report (SF/310/REG.16) that the Special Fund purchase the vessels to be used in the project.

4. No immediate legal consideration seems to favor ownership as against charter although there may be some advantages discussed later in this memorandum if the vessels being owned by the Special Fund are registered in the participating countries. This would not be achieved in the event the only suitable vessels available for charter are registered in countries not participating in the project, since the charter of a vessel does not affect its existing registration.

5. As regards vessels contributed by participating governments no need appears to arise for their purchase by the Special Fund. We assume that government vessels suitable for the project will be placed under the general direction of the project manager, although responsibility for their operation would remain with the governments concerned.

6. Your second question is whether the vessels should fly the flag of the countries in which they are registered or an international flag and in the latter case what the legal implications would be.

7. The main difficulty of using flags of international organizations in lieu of a national maritime flag arises from the question of jurisdiction over the vessel and its crew. A maritime flag symbolizes the nationality of the ship and nationality determines the applicable jurisdiction. International organizations unlike States are not in a position to exercise civil or criminal jurisdiction and for many events on board there would exist a jurisdictional gap. On one or two occasions international organizations have indeed used their flag as the sole flag on their ships but in these cases the circumstances have been different from the circumstances in this project mainly because the voyages were of short duration and in limited areas. The Caribbean Fishery project will have a duration of four years and the vessels will be used primarily on the high seas. For these reasons we do not think it appropriate in this case to use the flag of an international organization as the sole maritime flag.

8. In your question you assume that the vessels obtained by the Special Fund would have a national registration and the right to fly the flag of the country of registration. As indicated earlier, if the vessels are chartered the existing registration and flag would not change. But if the vessels are purchased, requirements governing registration will have to be met by the Special Fund, as new owner. In general, registration is subject to a variety of requirements such as the ship's national build, national ownership and corporate management, owner's domicile in national territory, and national crew and officers. Requirements of this kind would equally apply to used ships already registered which are purchased by the Special Fund and to new ships not yet registered anywhere which are built according to the specifications of the project. It would then appear that it would be difficult to secure a registration

and the right to fly a flag which goes normally with it for new or used ships acquired by the Special Fund, unless a country is found which is prepared to waive its normal legal requirements for registration. Apart from this difficulty it may not be desirable to have associated with the project vessels flying the flags and subject to the jurisdiction of countries which are not in the area of the project. In the circumstances it seems that a waiver should appropriately be requested from recipient countries since the project is for their exclusive benefit. Insofar as possible, each vessel could be registered in the country where it will be based and in whose territorial waters it will in part operate. This will facilitate other waivers considered necessary by the Caribbean Fishery Mission which has said:

“The Governments should submit to the Special Fund a statement to the effect that territorial waters of their countries can be fished freely by all exploratory vessels, that the exploratory vessels are exempt from all harbour dues, and that all exploratory vessels can land and sell catches in their countries” (SF/310/REG.16, para. 108).

In the event the vessels are so registered a statement should be included in the Plan of Operation whereby the participating governments shall take no measures as regards the vessels registered in their national registry and flying their flags which may interfere with the operations of the project or the disposition of the vessels by the Special Fund upon completion of the project.

9. What we have said before concerning the use of the flag of an international organization as the sole maritime flag does not apply to the use of such flag worn in addition to a national flag. No problem or jurisdiction arises in this case since the vessel has a nationality. The purpose of flying the flag of an international organization is simply to identify the vessel as being in the service of that organization and to indicate its entitlement to the applicable privileges and immunities. Article 7 of the Convention on the High Seas of 29 April 1958 authorizes in general the use of the flags of international organizations, as follows:

“The provisions of the preceding articles [on grant of nationality, use of two flags, etc.] do not prejudice the question of ships employed on the official service of an inter-governmental organization flying the flag of the organization.”

10. According to the United Nations Flag Code the use of the United Nations flag on the vessels of the project will be permissible. Under paragraph 4 (2) of the Code, “the flag shall be used by any unit acting on behalf of the United Nations. . . in such circumstances not covered in this Code as may become necessary in the interests of the United Nations”. The United Nations flag could as well be used in government ships taking part in the project if they are in fact “acting on behalf of the United Nations” on a permanent basis and are generally under the direction of the project manager. We strongly recommend that for purposes of identification all ships taking part in the project fly the United Nations flag in addition to their maritime flag.

31 July 1963

17. CONVENTION OF 28 JULY 1951 RELATING TO THE STATUS OF REFUGEES²⁰—SUCCESSION BY JAMAICA TO RIGHTS AND OBLIGATIONS

*Memorandum to the Regional Representative of the United Nations
High Commissioner for Refugees*

1. We have reached the conclusion that the High Commissioner may consider that Jamaica has become a party to the 1951 Convention by assuming the obligations and responsibilities of the United Kingdom under that Convention insofar as it may be held to have application to Jamaica.

²⁰ United Nations, *Treaty Series*, vol. 189, p. 150.

2. In support of this conclusion we call your attention to the Exchange of letters²¹ between the United Kingdom and Jamaica dated 7 August 1962, in which the two Governments agreed to the following provisions:

“(i) all obligations and responsibilities of the Government of the United Kingdom which arise from any valid international instrument (including any such instrument made by the Government of the Federation of the West Indies by virtue of authority entrusted by the Government of the United Kingdom) shall as from 6th August, 1962 be assumed by the Government of Jamaica, in so far as such instrument may be held to have application to Jamaica;

“(ii) the rights and benefits heretofore enjoyed by the Government of the United Kingdom in virtue of the application of any such international instrument to Jamaica shall as from 6th August, 1962 be enjoyed by the Government of Jamaica.”

3. In our opinion this exchange of letters constitutes an international agreement and in accordance with the established practice of the Secretariat it should be assumed that Jamaica has succeeded to the rights and obligations of the 1951 Convention. The fact that Jamaica has not yet replied to the general inquiry sent by the Secretary-General on 18 December 1962 inquiring about its succession to multilateral treaties does not invalidate the above conclusion based on its agreement.

4. We also refer to the fact that the United Kingdom, in a notification²² addressed to the Secretary-General under article 40, paragraph 2 of the 1951 Convention, stated expressly that the Convention was extended to Jamaica and to other territories subject to the following reservations made under the terms of article 42, paragraph 1 of the Convention:

“(i) The Government of the United Kingdom understand articles 8 and 9 as not preventing the taking by the above-mentioned territories, in time of war or other grave and exceptional circumstances, of measures in the interests of national security in the case of a refugee on the ground of his nationality. The provisions of article 8 shall not prevent the Government of the United Kingdom from exercising any rights over property or interests which they may acquire or have acquired as an Allied or Associated Power under a Treaty of Peace or other agreement or arrangement for the restoration of peace which has been or may be completed as a result of the Second World War. Furthermore, the provisions of article 8 shall not affect the treatment to be accorded to any property or interests which, at the date of entry into force of the Convention for the above-mentioned territories, are under the control of the Government of the United Kingdom by reason of a state of war which exists or existed between them and any other State.

“(ii) The Government of the United Kingdom accept paragraph 2 of article 17 in its application to the above-mentioned territories with the substitution of “four years” for “three years” in subparagraph (a) and with the omission of subparagraph (c).

“(iii) The Government of the United Kingdom can only undertake that the provisions of subparagraph (b) of paragraph 1 of article 24 and of paragraph 2 of that article will be applied to the above-mentioned territories so far as the law allows.

“(iv) The Government of the United Kingdom cannot undertake that effect will be given in the above-mentioned territories to paragraphs 1 and 2 of article 25 and can only undertake that the provisions of paragraph 3 will be applied in the above-mentioned territories so far as the law allows.”

Jamaica would have the right to avail itself of these reservations which were made by the United Kingdom under the terms of the Convention and it may be that in due course your office will wish to obtain a declaration by Jamaica which would withdraw these reservations. However, we think your main inquiry at present is answered by the conclusion that Jamaica is under the obligations of the Convention subject to the reservations made by the United Kingdom.

5 March 1963

²¹ Cmnd. 1918 (1963).

²² United Nations, *Treaty Series*, vol. 252, p. 354.

18. PUBLICATION OF A COMMUNICATION RECEIVED FROM A NON-GOVERNMENTAL ORGANIZATION
—INTERPRETATION OF GENERAL ASSEMBLY RESOLUTION 1779 (XVII) OF 7 DECEMBER 1962

Memorandum to the Director of the Division of Human Rights

1. In your memorandum of 16 August 1963 you requested our advice as to the inclusion, in an addendum to the report (A/5473) which the Secretary-General has submitted to the General Assembly under resolution 1779 (XVII), of the communication received from the International Confederation of Free Trade Unions dated 17 July 1963.

2. From a legal point of view, it may be noted that there are only three references to non-governmental organizations in resolution 1779 (XVII). Under paragraph 1, non-governmental organizations are invited "to make sustained efforts to educate public opinion with a view to the eradication of racial prejudice and national and religious intolerance and the elimination of all undesirable influences promoting these. . .". Under paragraph 4, non-governmental organizations are invited "to co-operate fully with the Governments of States in their efforts to prevent and eradicate racial prejudice and national and religious intolerance". Under paragraph 5, they are invited to inform the Secretary-General of "action taken by them in compliance with the present resolution".

One of the tasks which the General Assembly invited the non-governmental organizations to undertake under the resolution is therefore of educating public opinion, the other is that of co-operating with governments in the efforts of the latter to eliminate racial, national and religious prejudice and intolerance.

3. The concept of education is, of course, a broad one and, as far as non-governmental organizations are concerned, it would presumably pertain to providing to their members and other sectors of public opinion, through special courses and otherwise, relevant data and arguments which may influence them in favour of the purposes of the resolution.

It is a somewhat doubtful question whether this concept can be considered to extend further to the effects which protests and complaints by non-governmental organizations against governmental action may have upon public opinion. In the present context, this question should, in our view, only be answered in the affirmative if it can be clearly demonstrated that this was the intention of the authors of the resolution.

The records of discussion of the resolution throw no light on the subject. The reference to article 26 of the Universal Declaration of Human Rights in paragraph 1 of resolution 1779 (XVII) would indicate, however, that a restrictive meaning was to be given to the concept of "education".

4. "Co-operation with Governments" as expressed in paragraph 4 of the resolution would relate to assistance given to the latter, in particular with respect to actions under paragraphs 1, 2 and 3 of the resolution, and would obviously not extend to criticism, protest and other accusations against governmental measures to eradicate discrimination or absence thereof.

5. Compared with reports on action taken by non-governmental organizations which are contained in Part III of the report of the Secretary-General as submitted to the General Assembly (A/5473), the communication from the ICFTU presents the following characteristics:

(1) While the other non-governmental organizations seem to have limited their reporting to action taken by them shortly before or since the adoption of resolution 1779 (XVII), the ICFTU communication relates to a number of statements issued by the ICFTU long before resolution 1779 (XVII) was adopted.

(2) The report of the ICFTU consists essentially of a reminder of statements presented to the United Nations and to specialized agencies and of "criticism", "protests", "complaints", etc., to governments against situations in their countries.

6. The non-governmental organizations are, of course, free to communicate to the Secretary-General such information as they consider to be of interest to the latter. It is, however, the Secretary-General's responsibility, under paragraph 6 of resolution 1779 (XVII), to present his report to the eighteenth session of the General Assembly within the framework prescribed by that resolution.

7. Account being taken of the observations made previously, it would seem doubtful to us that the ICFTU's communication should be submitted in the present form as an addendum to document A/5473.

(1) As stated earlier many of its parts relate to long past action which obviously could not have been taken "in compliance with the present resolution".

(2) One clear case of "co-operation... with Governments of States in their efforts..." may be found in the last paragraph of page 5, in which it is stated: "In June 1963, the AFL-CIO pledged to President Kennedy its unstinting assistance in the prompt achievement of a fully enforceable civil rights programme on every front. President Kennedy asked the trade unions to create a working committee..." The rest of the material does not appear to fit within that category.

(3) As to the task of education of public opinion, there is little if anything at all said about how the various branches of the Confederation have tried to educate their members or the public at large.

(4) As you indicate, the question of references to, and in particular "complaints" against, individual governments presents a special problem in the light of past understandings in the Economic and Social Council as to the extent of the role non-governmental organizations may play in their relationship to United Nations organs.

8. It is true that the present communication does not by itself constitute a list of complaints against governments, but is rather a relation of past accusations and complaints addressed by the ICFTU, either directly or through international organizations. Its impact is, however, one of criticism of specific governments in relation to current situations. To permit its circulation under resolution 1779 (XVII), it would not be sufficient, in our opinion, to invoke resolution 6 (XVI) of the Commission of Human Rights, which is not mentioned by the Assembly. It would appear to us that any exception that the Assembly would have wished to make in the existing procedures and practices governing complaints against governments and other communications from non-governmental organizations amounting to complaints, would have been made specifically in the resolution.

9. It would, therefore, be our view that the communication of the ICFTU should not be circulated in its present form as an annex to document A/5473. The attention of the ICFTU may possibly be drawn to the possibility of sending another communication following more closely the requirements of resolution 1779 (XVII).

9 September 1963

19. INTERNATIONAL DRIVING PERMIT—INTERPRETATION OF ARTICLE 24 OF THE CONVENTION OF 19 SEPTEMBER 1949 ON ROAD TRAFFIC²³

Memorandum to the Officer-in-Charge of the Resources and Transport Branch, Department of Economic and Social Affairs

1. This is in reply to your memorandum of 10 July 1963 concerning the inquiry made by the South African Mission to the United Nations on behalf of the South African Department of Transport as to whether the authority which issues an international driving permit to a person who has been disqualified from driving a motor vehicle in another Contracting State, in terms of paragraph 5 of article 24 of the Convention on Road Traffic, is required to

²³ United Nations, *Treaty Series*, vol. 125, p. 22.

make an appropriate endorsement under the heading "Exclusion" on any other international driving permit issued to such person during the period of disqualification.

2. The Convention, it is evident, does not explicitly require the authority which issues such a permit to make an endorsement of this kind, but it would seem to us that a requirement to this effect is to be implied from the relevant provisions of the Convention.

3. Article 24 of the Convention provides in paragraph 2 that "A Contracting State may . . . require that any driver admitted to its territory shall carry an international driving permit conforming to the model contained in annex 10" and in paragraph 3 that "The international driving permit shall . . . be delivered by the competent authority of a Contracting State . . ." and that "The holder shall be entitled to drive in all Contracting States without further examination . . ."

4. It is thus clearly a requirement under the Convention that an international driving permit, in order to be valid for the purpose for which it is issued (which is that of meeting what each of the other Contracting States are entitled under the Convention to require, namely, that a driver admitted to its territory shall carry a permit which conforms to the model in annex 10), must conform to the model in annex 10 and should, it follows, include, as does the model, a section on "Exclusion" which would provide information as to countries in which the "holder of [the] permit is deprived of the right to drive". It may be pertinent to note in this connexion that paragraph 5 of article 24 provides that a Contracting State which withdraws from a driver the right to use such a permit may in that event record such a withdrawal of use on the permit and communicate the name and address of the driver to the authority which issued the permit.

5. Moreover, in terms of paragraph 3 of article 24, an international driving permit issued by the appropriate authority in a Contracting State would entitle its holder to drive in all Contracting States without further examination. A provision to this effect is also included in the model permit in annex 10: "This permit is valid in the territory of all the Contracting States with the exception of the territory of the Contracting State where issued . . .". Accordingly, a permit that does not contain a record of the countries in which its holder is excluded from driving would purport to authorize him to drive in a Contracting State in which he is excluded, and such an anomalous situation would of course not be consistent with the provisions of the Convention and should if possible be avoided.

6. We consider therefore that the requirement that the competent authority in a Contracting State should record on an international driving permit the countries in which its holder is excluded from driving should be regarded as implicit in the Convention.

26 July 1963

20. NEW YORK-GENEVA SUBMARINE CABLE LEASED BY THE UNITED NATIONS—USAGE BY SPECIALIZED AGENCIES FOR TRANSMISSION OF CABLES—RESOLUTION NO. 26 OF THE PLENIPOTENTIARY CONFERENCE OF THE INTERNATIONAL TELECOMMUNICATION UNION (BUENOS AIRES, 1952)—TELEGRAPH REGULATIONS (PARIS REVISION, 1949), RESOLUTION NO. 9—TELEGRAPH REGULATIONS (GENEVA REVISION, 1958), ARTICLES 86 AND 87

Memorandum to the Under-Secretary, Director of General Services

1. In your memorandum of 30 October 1963 you refer to resolution No. 26 adopted at the 1952 Plenipotentiary Conference of the International Telecommunication Union opposing the use of the United Nations telecommunication network for carrying cable traffic of the specialized agencies except in emergency, a policy with which the United Nations complies. You mention that in the first period after the adoption of the resolution we con-

tinued to carry specialized agency messages between New York and Geneva on the ground that this link was at that time still operated on a commercial basis, whereas the resolution of ITU was directed only against United Nations network "competition with existing commercial telecommunication networks". In 1955, however, we began to apply the terms of the resolution also to the New York-Geneva link after installation of our own transmitters and receivers.

2. As we returned to a commercial arrangement through submarine cable lease in 1961, you now ask whether the specialized agencies could be permitted to use this link. You express doubt whether ITU resolution No. 26 is applicable, on the grounds that (i) a link by commercial lease may not constitute a part of the United Nations network in the ITU sense, and (ii) transmission of specialized agency messages over the leased cable would represent a use of, rather than a competition with, existing commercial channels.

3. We agree that it is probably doubtful that this link should technically be defined as fitting into our telecommunication network, since we use the link as a commercial lessee under private contract with a corporate operating agency and not in our capacity as a telecommunication Administration under the International Telecommunication Convention. Nevertheless, it does not seem essential to decide this point for the present.

4. As to your second question, it is true that resolution No. 26 seems to have been directed by ITU against competition by the United Nations network with commercial channels, since there are repeated references to this aspect throughout its text and not to any other policy aspect. It would also be true that a renewed sharing by the specialized agencies of a commercial cable leased by the United Nations would not represent the kind of complete diversion from commercial channels which we have always understood the Plenipotentiary Conference to have had in mind. You would not necessarily be immune, however, from some criticism on this score. In this connexion you do not state in your memorandum what advantage to the specialized agencies has caused the proposal of a sharing arrangement to be made. Since you indicate that arrangements similar to ours could be made with the cable companies by the specialized agencies, one advantage of having the United Nations handle their Geneva-New York traffic would no doubt be the convenience to be derived from common services in the handling of telegrams. Nevertheless we assume that if you have been pressed on the point, it must be because the cost to the specialized agencies of a joint use with the United Nations would be appreciably lower than the per-word charges presently paid. It must also be because we have available transmission time, not using the leased cable to its full capacity. Naturally, it could be argued that, to the extent that we reduce their commercial costs on traffic which has apparently not been sufficient in amount to justify a lease in their own names, we are diverting specialized agency messages from ordinary telegraph channels into one which will bring no additional revenue to the private operating agencies.

5. In our view this point brings us to the real problem. On the facts available we could not be charged with violation of resolution No. 26 if joint use by the United Nations and the specialized agencies of the particular commercial facility is otherwise permissible under more general ITU requirements. This raises the question of the rules limiting the use of the leased telegraph circuit service. You will recall that there was attached to the previous Telegraph Regulations (Paris revision, 1949) a resolution (No. 9) which stated that "a circuit may be leased jointly by two or more users only when these users are *directly* engaged in the same or correlated type of undertaking" and that "the telegraph correspondence passed over such circuits may be transmitted only by a user sharing in the lease and must be intended only for another user sharing in the lease; it must concern only the undertaking or undertakings for which the circuit has been leased." In October 1952 (*prior* to the adoption of ITU resolution No. 26) this Office rendered an opinion that the international organizations concerned were directly engaged in a correlated type of undertaking. Before the resolution was adopted we

also felt that the organizations could even be considered a single user, avoiding absolute necessity of a joint lease. Nevertheless, we had no objection to a re-negotiation of the lease to include the names as joint lessees of any interested specialized agencies. Neither the present Telegraph Regulations (Geneva revision, 1958) nor the resolutions attached thereto exactly repeat the terms of resolution No. 9, and we cannot say whether it is considered still to be in force. Article 86 of the Regulations, on the leased telegraph circuit service, does, however, give Administrations the right to authorize a service for making telegraph circuits available "for the exclusive use of a user or group of users, the conditions for this service to be determined by agreement between the Administrations or recognized private operating agencies concerned, taking into account the recommendations" of the International Telegraph and Telephone Consultative Committee (CCITT). It is most probable, therefore, that a formal decision on the question which you raise would require an examination of the CCITT recommendations, which would extend beyond the purview of this Office. In the alternative, it may be possible to learn from precedents and practice what are the agreements or understandings governing the Swiss and United States private operating agencies concerned.

6. If you felt advisable, you could of course have inquiries made in Geneva to determine the practice or sound out ITU attitudes on joint users. If you consider this undesirable, you might wish, at least for your interim guidance, to be governed by the precedents to which your memorandum refers. If ITU was in any way put on notice in 1952 that we considered our then commercial Geneva-New York link to be outside the terms of the Plenipotentiary resolution No. 26 or the Telegraph resolution No. 9, or if in any case it was well known to ITU that we were expecting and intending to continue to carry specialized agency messages on that particular link, you could fairly consider yourself entitled, in the absence of contrary indications, to return to the same type of arrangement. If you do not find from your records that a firm precedent was established, it seems at least necessary to know whether the CCITT has adopted relevant limitations on joint user of leased circuits.

7. The uncertainties mentioned above as to the purposes behind the new proposal to carry specialized agency traffic on this link suggest one or two concluding observations. We assume that the new arrangement would not be intended to confer on specialized agency telegrams any higher priorities or privileges or more favourable treatment than they are at present accorded in their separate commercial channels. You recall that denial of government privileges to specialized agency communications has always been a strong article in the ITU faith. We also note the assurance in your memorandum that the arrangement would be on the understanding that cables thus transmitted will not be reforwarded beyond Geneva or New York on the United Nations network. This would be proper, taking into account resolution No. 26, but it raises a further serious doubt in our mind. What is the advantage to FAO, for example, if the bulk of its New York traffic is addressed to or from its Rome Headquarters? The fact that FAO messages from Rome to Geneva were commercially routed would not seem to alter the fact that we would be engaging in the reforwarding of such messages by passing them to New York. This would raise the problem whether we were a reforwarding agency in the sense prohibited by article 87 of the Telegraph Regulations. If so, commercial offices handling the FAO messages would have the obligation to "stop telegrams addressed to a telegraphic reforwarding agency well known to be organized with the object of enabling the correspondence of third parties to evade the full payment of the charges due for transmission, without intermediate reforwarding, between the office of origin and the office of ultimate destination." No doubt we could hardly be said to be "well known to be organized with the object of enabling" the specialized agencies "to evade the full payment of the charges due for transmission" over the full distance to the ultimate destination. It could be argued (although we have some doubt whether it would be) that to the extent of this particular arrangement now proposed, its obvious motive was such that we were *pro tanto* serving as such a telegraphic reforwarding agency. Again this is a question which requires

a greater degree of contact with ITU and knowledge of its current practices, though we assume that you could, in this instance too, be guided by your previous precedents, if they clearly met the reforwarding problem at the time.

8. Before you settle your final policy, we therefore suggest you have an examination made of (1) the correspondence or other understandings with ITU in 1952 concerning carriage of specialized agency traffic on the New York–Geneva link; (2) the rules on joint user of leased telegraph circuits; and (3) the 1952 understandings, if any, and otherwise the current ITU interpretations, on reforwarding.

2 December 1963

21. IMMUNITY FROM LEGAL PROCESS OF UNITED NATIONS OFFICIALS

Memorandum to the Deputy Chef de Cabinet

1. With reference to your inquiry we should like to confirm that the Secretary-General has, on a number of occasions, informed delegations that United Nations Secretariat personnel do not enjoy immunity from arrest or prosecution for alleged acts which are not related to their official duties. The immunity accorded to Secretariat officials is expressed in section 18 of the Convention on the Privileges and Immunities of the United Nations²⁴ providing that officials of the United Nations—i.e. Secretariat staff members—shall be “immune from legal process in respect of words spoken or written and all acts performed by them in their official capacity”. There is, of course, a clear distinction between Secretariat officials and officials of Member governments.

2. Needless to say, this position has been taken on many occasions and in a number of countries in which United Nations personnel work. For example, we are attaching a copy of a press release dated 24 June 1949 containing a statement by the Secretary-General on this point raised as a result of a case in regard to which the Secretary-General also considered that he could not assert immunity from arrest or interrogation where the alleged acts were not connected with the staff member’s official duties.

3. May we add that there should be no misunderstanding whatsoever by Secretariat personnel regarding this position. It is expressly stated in the Convention on the Privileges and Immunities and it has been repeated on various occasions in specific statements made by or on behalf of the Secretary-General.

11 July 1963

22. PROPOSED ACCESSION BY A MEMBER STATE TO THE CONVENTION ON THE PRIVILEGES AND IMMUNITIES OF THE UNITED NATIONS²⁴ SUBJECT TO A RESERVATION DENYING TO ANY UNITED NATIONS OFFICIAL OF THAT STATE’S NATIONALITY ANY PRIVILEGE OR IMMUNITY UNDER THE CONVENTION—INTERPRETATION OF ARTICLES IV, V AND VI OF THE CONVENTION

Aide-Mémoire to the Permanent Representative of a Member State

1. The first article of the Law approving accession by your country to the Convention on the Privileges and Immunities of the United Nations approves the Convention subject to the reservations set out in the second and third articles of the Law.

The third article of the Law sets forth a reservation to the effect that the proviso contained in article IV, section 15, of the Convention shall also apply in respect of articles V and VI.

²⁴ United Nations, *Treaty Series*, vol. 1, p. 15.

Section 15 of the Convention on the Privileges and Immunities of the United Nations reads:

“The provisions of sections 11, 12 and 13 are not applicable as between a representative and the authorities of the State of which he is a national or of which he is or has been the representative.”

Article IV of the Convention, in which not only section 15 is found but also the three sections cross-referenced therein, relates only to representatives which Member States delegate to represent them. Article V of the Convention, to which the proposed reservation seeks to apply the proviso contained section 15, specifies the privileges and immunities of officials of the Organization and the limitations under which they are intended to be enjoyed. Article VI does the same for experts on missions for the United Nations.

As section 15 of the Convention expressly relates only to the provisions of sections 11, 12 and 13 which, being contained in article IV, have no legal relationship to articles V or VI, it will be assumed that the intent of the reservation in the third article of the Law is to state that the privileges and immunities specified in articles V and VI are not applicable as between an official (or an expert on mission for the United Nations) of your country's nationality and the Government of your country.

2. In the opinion of the Secretary-General, a closer examination of the true legal operation of this reservation, as so interpreted, will leave no doubt that it is incompatible with the United Nations Charter. It may therefore be that you would wish to consider the possibility of suggesting to your Government that the actual deposit of any instrument of accession intended to embody the foregoing reservation be delayed pending an urgent reconsideration of its legal consequences. In this connexion it may be borne in mind that, should an instrument containing this reservation be submitted to the Secretary-General, he would be obliged to take action in two separate capacities, not merely as depositary of the Convention in question under its section 32, but also as the authority designated by section 36 for entering into negotiations with any Member Government as to any adjustments to the terms of the Convention so far as that Member is concerned.

In view of this dual responsibility the following analysis of the proposed reservation is offered for the consideration of your Government.

3. Numerous privileges and immunities specified in article V are not ordinarily understood to have practical application as between an official of the United Nations and his Government of nationality. Such an official will have no occasion, unless in rare circumstances, to require immunity from immigration restrictions in his own country, or privileges in respect of exchange facilities, or repatriation facilities in time of international crisis; he cannot by definition require immunity from alien registration, and it would be exceptional for him to have reason to claim duty-free entry for his personal effects on taking up his post in the country.

4. The situation is quite otherwise in the matter of his official acts, and it is here that the reservation cannot be reconciled with the Charter. Section 18(a) in article V requires that officials of the United Nations be “immune from legal process in respect of words spoken or written and all acts performed by them in *their official capacity*.” (Underscoring supplied.) It follows that your country, in proposing the reservation quoted above, has (no doubt unintentionally) reserved the right to prosecute United Nations officials of its nationality for words spoken or written or for any acts performed by them in their official capacity, indeed for actions which are in effect the acts of the Organization itself. It would equally be the consequence of the reservation that your country would be reserving jurisdiction to its national courts to entertain private lawsuits against its citizens for acts performed by them as officials of the United Nations.

5. Article 105 of the Charter provides in its second paragraph that officials of the Organization shall “enjoy such privileges and immunities as are necessary for the independent exercise of their functions in connexion with the Organization.” Likewise, by the second paragraph of Article 100 each Member of the United Nations “undertakes to respect the exclusively international character of the responsibilities of the Secretary-General and the staff”. It needs no argument to demonstrate that the reservation by a Member of the right, even in the abstract, to exercise jurisdiction over the official acts of United Nations staff, either through its courts or through other organs or authorities of the State, would be incompatible with the independent exercise and the exclusively international character of the responsibilities of such officials of the Organization. This derogation from the clear terms of the Charter would in no way be affected by the common nationality of the international official and the prosecuting authority. The Secretary-General cannot believe that the legal effect of the reservation in question, although indisputable when examined in this light, was consciously intended.

6. The situation is similar with regard to article VI of the Convention. Experts of your country’s nationality would not normally perform their missions for the United Nations on national territory. On the other hand, the inevitable consequence of reserving article VI would be to permit the exercise over nationals of your country, who have performed or are performing official United Nations missions, of jurisdiction in respect of words spoken or written and acts done by them in the course of the performance of their mission. For example, an officer who might be seconded by your Government for service abroad as a United Nations Military Observer would technically be subject on his return to inculcation or sanction for some aspect of his activity on behalf of the Organization. This is particularly evident from the fact that one of the provisions reserved states (in section 22(b) of the Convention):

“This immunity from legal process shall continue to be accorded notwithstanding that the persons concerned are no longer employed on missions for the United Nations.”

Papers and documents of the United Nations in his possession could likewise be deprived of their inviolability, while the confidential character of his communications with the United Nations could equally be overridden. In such circumstances the Organization itself could not be said to enjoy in the territory of the Member in question the privileges and immunities necessary for the fulfillment of its purposes, as required by Article 105, paragraph 1 of the Charter.

7. A comment may also be in order with respect to the effect on a Member Government of its reserving the application of section 18(b). That clause provides that officials of the United Nations shall “be exempt from taxation on the salaries and emoluments paid to them by the United Nations”. Officials of the Organization, having been intended by the General Assembly and the Convention to be exempt from national taxation on their official salaries, are already subject to a staff assessment by the United Nations equivalent to national taxation. By resolution 973 (X), therefore, the General Assembly authorized the refund and reimbursement to the staff by the Secretary-General of the amount of any national income taxes to which they might be subjected on the same salary. At the same time, the General Assembly created by that resolution a Tax Equalization Fund and established thereby a procedure for charging against each Member State the total of any amounts which the Organization might thus be obliged to refund to the staff. It should accordingly be understood that the consequence of the reservation in question in so far as it reserves the right to tax nationals of your country on their United Nations salaries, will be to place upon the Organization the administrative burden of reimbursing the income taxes on official salaries while nevertheless increasing your Government’s annual contributions to the expenses of the Organization by the full amounts so reimbursed.

As article VI does not provide for tax exemption on any stipends paid to experts on missions for the United Nations, there is no tax implication for them in the proposed reservation.

8. In addition to the reservation stated in the third article of the Law, as examined above, the second article of the Law contains a reservation concerning the capacity of the United Nations under section 1 of the Convention to acquire immovable property. It subjects that capacity to the conditions established in the national Constitution and to any restrictions established in the Law therein provided for. According to the Constitution, the acquisition of real property by international organizations may be authorized only in accordance with conditions and restrictions established by law. The Secretariat of the United Nations has no information as to whether such a law has as yet been adopted.

9. It is unnecessary to re-emphasize the urgent desire of the United Nations to see an early accession by your country to the Convention on the Privileges and Immunities of the United Nations. The General Assembly itself has repeatedly stated in its resolutions on the subject that, if the United Nations is to achieve its purposes and perform its functions effectively, it is essential that the States Members should unanimously accede to the Convention at the earliest possible moment. The Secretary-General would only wish that the instrument of accession should not be subject to a reservation conflicting with the Charter, so as to avoid the necessity of placing the question before the General Assembly.

22 October 1963

23. RIGHT OF THE UNITED NATIONS TO VISIT AND CONVERSE WITH STAFF MEMBERS IN
CUSTODY OR DETENTION

Internal memorandum

1. In connexion with the recent arrest of a staff member, the question has arisen of the extent of the right of the United Nations to visit and converse with staff members held in custody or detention by the authorities of a State.

2. It is established by the advisory opinion of the International Court of Justice of 11 April 1949, on Reparation for injuries suffered in the service of the United Nations (I.C.J. Reports, 1949, p. 174), that in the event of an agent of the United Nations in the performance of his duties suffering injury in circumstances involving the responsibility of a State, the United Nations has the capacity to bring an international claim against the responsible State (whether it is or not a Member of the Organization), with a view to obtaining the reparation due in respect of the damage caused both to the United Nations and to the victim or to persons entitled through him. The United Nations therefore has, beyond any doubt, a right of diplomatic protection of its staff, at least within the limits of the questions put to the Court in the request for the advisory opinion.

3. The right to visit and converse with the person in respect of whom a State may possibly have violated its international obligations is a necessary consequence of a right of diplomatic protection. The State or organization having such a right of protection cannot exercise it unless there is an adequate opportunity to find out the facts of a case, and where the person concerned is in custody or detention, the only such opportunity is through access to that person. This is recognized, for example, in the Vienna Convention on Consular Relations of 24 April 1963 (A/CONF. 25/12). Consuls are the usual channel through which States ascertain the facts about persons to whom they are in a position to afford diplomatic protection. Consequently the Convention provides in article 36:

“1. With a view to facilitating the exercise of consular functions relating to nationals of the sending State:

...

“(c) consular officers shall have the right to visit a national of the sending State who is in prison, custody or detention, to converse and correspond with him and to arrange for his legal representation. They shall also have the right to visit any national of the sending State who is in prison, custody or detention in their district in pursuance of a judgment. . .”

4. It is therefore clear that the United Nations has the right to visit and converse with one of its staff members in custody or detention whenever there is any possibility that the United Nations or the staff member in the performance of his duties may have been injured through the violation by a State of any of its obligations either toward the United Nations or toward the person concerned. During such visits and conversations the United Nations representatives must have the right to pursue any line of discussion which would clarify the questions both whether an injury has occurred, and whether it was incurred in connexion with performance of the staff member's duties. The mere fact that there is no obvious connexion between the reason given for the detention by the State and the staff member's duties is insufficient to nullify the right of the United Nations to visit. If that were so, the right of protection of the United Nations would be made entirely dependent upon the reasons given by the detaining State, and that would make the right practically ineffective.

5. Even if in fact there is no connexion between the staff member's duties and the reason for the detention, the United Nations should nevertheless be allowed to visit a staff member under detention, and to ascertain through all appropriate discussions not only whether there has been any legal injury but also whether the person is being treated with humanity and with full observance of an international standard of human rights. This is particularly true when the presence of the staff member in what is to him a foreign country is due to his employment by the United Nations. In such cases it is inappropriate to apply narrowly the test of connexion with official duty, since the person's very presence in the country is the result of, and a necessary condition for, the performance of that duty, and hence, in a sense, is connected with it. This broader scope of protection by the United Nations follows from the undesirability—stressed by the International Court of Justice in its advisory opinion on *Reparation for injuries*—that staff members should have to rely on protection by their own States. The Court said (I.C.J. Reports, 1949, pp. 183-184):

“In order that the agent of [the United Nations] may perform his duties satisfactorily, he must feel that this protection is assured to him by the Organization, and that he may count on it. To ensure the independence of the agent, and consequently, the independent action of the Organization itself, it is essential that in performing his duties he need not have to rely on any other protection than that of the Organization (save of course for the more direct and immediate protection due from the State in whose territory he may be). In particular, he should not have to rely on the protection of his own State. If he had to rely on that State, his independence might well be compromised, contrary to the principle applied by Article 100 of the Charter. And lastly, it is essential that—whether the agent belongs to a powerful or to a weak State; to one more affected or less affected by the complications of international life; to one in sympathy or nor in sympathy with the mission of the agent—he should know that in the performance of his duties he is under the protection of the Organization. This assurance is even more necessary when the agent is stateless.”

6. It follows from the foregoing that, when a United Nations staff member is arrested or detained by the authorities of a State, the Organization always has a right to send representatives to visit and converse with him with a view to ascertaining whether or not an injury has occurred to the United Nations or to him through non-observance by the State concerned of its international obligations, and whether or not such injury is connected with the performance of his duties. Furthermore, at least when the staff member is not a national of the detaining State, there are reasons for recognizing a broader interest of the United Nations in the matter, so that the staff member will not have to rely exclusively on the protection of his own State.

10 July 1963

B. Legal opinions of the secretariat of inter-governmental organizations related to the United Nations

1. INTERNATIONAL LABOUR OFFICE

The following memoranda concerning the interpretation of international labour Conventions were prepared by the International Labour Office at the request of Governments:

(a) Memorandum concerning the Seafarers' Identity Documents Convention, 1958 (No. 108), prepared at the request of the Government of the United Kingdom, 13 August 1962. *Official Bulletin*, vol. XLVI, No. 3, July 1963, p. 466. English, French, Spanish.

(b) Memorandum concerning the Equality of Treatment (Social Security) Convention, 1962 (No. 118), prepared at the request of the Government of the Republic of China, 10 May 1963. *Official Bulletin*, vol. XLVI, No. 3, July 1963, p. 467. English, French, Spanish.

2. SECRETARIAT OF THE UNITED NATIONS EDUCATIONAL, SCIENTIFIC AND CULTURAL ORGANIZATION

Practice of UNESCO regarding the effect of independence on the participation of Associate Members

1. Paragraph 3 of Article II of the Constitution of UNESCO, which was inserted in the Constitution by the General Conference of UNESCO at its sixth session (1951), provides as follows:

"3. Territories or groups of territories which are not responsible for the conduct of their international relations may be admitted as Associate Members by the General Conference by a two-thirds majority of Members present and voting, upon application made on behalf of such territory or group of territories by the Member or other authority having responsibility for their international relations. The nature and extent of the rights and obligations of Associate Member shall be determined by the General Conference."

2. In accordance with the last sentence of the paragraph quoted above, the General Conference determined the nature and extent of the rights and obligations of Associate Members in the following resolution, which it also adopted at its sixth session (1951) (6C/Resolution 41.2):

"The General Conference,

Whereas Article II of the UNESCO Constitution has been amended to provide for the admission of territories or groups of territories which are not responsible for the conduct of their international relations as Associate Members of the Organization,

Whereas this same amendment provides that the nature and extent of the rights and obligations of Associate Members shall be determined by the General Conference,

Whereas reference is made in various Articles of the UNESCO Constitution, other than Article II, to the rights and duties of States Members of the Organization,

Resolves that the rights and obligations of Associate Members of the Organization shall be as follows:

That Associate Members shall have the right:

(i) to participate without voting rights in the deliberations of the General Conference and of its Commissions and Committees;

(ii) to participate equally with Members, subject to the limitation on voting in paragraph (i) above, in matters pertaining to the conduct of business of meetings of the Conference and such of its Committees, Commissions and other subsidiary organs as the General Conference may, from time to time, indicate in accordance with the Rules of Procedure of the Conference;

(iii) to propose items for inclusion in the provisional agenda of the Conference;

- (iv) to receive equally with Members all notices, documents, reports and records;
- (v) to participate equally with Members in the procedure for convening special sessions;

That Associate Members shall have the right, equally with Members, to submit proposals to the Executive Board, and to participate, in accordance with regulations established by the Board, in committees established by it, but they shall not be eligible for membership of the Board;

That Associate Members shall be subject to the same obligations as Members, except that the difference in their status shall be taken into account in determining the amount of their contribution to the budget of the Organization;

That the contribution of Associate Members shall be assessed at a proportion of the amount at which they would have been assessed had they been full Members, subject to such limitations as the General Conference may decide;

That the Executive Board be requested to submit a report with recommendations to the next session of the General Conference setting out the standards according to which Associate Members shall be assessed in respect of their financial contributions."

3. Pursuant to paragraph 3 of Article II of the Constitution, the following Territories were admitted to Associate Membership by the General Conference at its various sessions:

- (a) *Eighth session (1954)*
 - (i) Gold Coast;
 - (ii) Sierra Leone;
 - (iii) Sarawak, North Borneo, Brunei, Singapore and the Federation of Malaya (as one group known as Malaya/British Borneo Group);
 - (iv) Jamaica, Trinidad, Grenada, Dominica and Barbados (as one group known as the British Caribbean Group).
- (b) *Ninth session (1956)*
Federation of Nigeria.
- (c) *Tenth session (1958)*
 - (i) Kuwait;
 - (ii) Federation of West Indies;
 - (iii) Trust Territory of Somaliland under Italian Administration;
 - (iv) State of Singapore.
- (d) *Eleventh session (1960)*
 - (i) Ruanda-Urundi;
 - (ii) Mauritius;
 - (iii) Tanganyika.
- (e) *Twelfth session (1962)*
Qatar.

4. As of 20 March 1963, the following were Associate Members of UNESCO: Mauritius, Qatar and Singapore.

5. The Constitution of UNESCO does not contain any special provisions regarding the passage from Associate Membership to State Membership. The provisions regarding State membership are contained in Article II, paragraph 1 (States which are members of the United Nations) and paragraph 2 (States not members of the United Nations).

6. During the Ninth Session of the General Conference, an informal meeting of representatives of Associate Members (British Caribbean Group, Gold Coast, Malaya/British Borneo Group, Nigeria) and of the United Kingdom was held to discuss the legal implications of attainment of sovereignty in relation to associate membership of UNESCO. This meeting considered:

- (a) that the normal procedures governing admission to membership of UNESCO applied to Associate Members wishing to become State Members of UNESCO.

(b) that during the interim period the new sovereign State would continue to enjoy the rights and assume the obligations of an Associate Member as defined by the General Conference at its Sixth Session (1951).

(c) that the new sovereign State would continue to have its contribution to the budget assessed on the same basis as an Associate Member until its admission as a full Member State of the Organization.

7. The only official action taken with respect to the various Associate Members was the following:

8. *Ghana (Gold Coast) and Sierra Leone* became State Members of UNESCO on 11 April 1958 and 28 March 1962, respectively, following their admissions to the United Nations on 8 March 1957 and 27 September 1961.

9. *Malaya/British Borneo Group and Singapore*. On 3 November 1958, the Government of the United Kingdom gave "formal notice of the withdrawal from Associate Membership of the former Malaya/British Borneo Group to take effect on the earliest possible date, i.e. 31 December 1959." At the same time, the Government of the United Kingdom made an application for the admission of the Government of Singapore as an Associate Member "from the date on which the former Malaya/British Borneo Group Associate Member ceases to exist" (Document 10C/53). On 2 December 1958, the General Conference adopted the following resolution (10C/Resolution 0.54):

"The General Conference,

Having considered the communication received from the Government of the United Kingdom concerning the change in the composition of the Malaya/British Borneo Group and the prospective change in status of Singapore,

Takes note of the notice of withdrawal which, in accordance with Article II, paragraph 6, of the Constitution, the Government of the United Kingdom has addressed to the Director-General on behalf of the Malaya/British Borneo Group whose composition had previously been altered as a result of the attainment by the Federation of Malaya of independence and the status of Member State of the Organization;

Decides that, from the date of 31 December 1959 on which the above-mentioned notice of withdrawal shall take effect and in accordance with the request made to the General Conference on its behalf, the State of Singapore alone shall exercise the rights and assume the obligations hitherto pertaining to the Malaya/British Borneo Group."

10. *British Caribbean Group and Federation of West Indies*. On 22 August 1958, the Government of the United Kingdom applied for Associate Membership on behalf of the Federation of the West Indies, stating that the acceptance of this application for membership "would cancel the Associate Membership of the British Caribbean Group as at present constituted, i.e. Trinidad, Barbados, Jamaica, Dominica and Grenada." These Territories were comprised in the Federation of the West Indies which also included the Cayman, Turks and Caicos Islands, Antigua, St. Christopher-Nevis-Anguilla, Montserrat, St. Lucia and St. Vincent. On 6 November 1958, the General Conference adopted a resolution (10C/Resolution 0.52) by which it admitted the Federation of the West Indies to Associate Membership of UNESCO. On 28 August 1962, the Government of the United Kingdom informed the Director-General that "since the Federation of the West Indies was dissolved by Order in Council on 1 June 1962, it must, in the view of Her Majesty's Government in the United Kingdom, be regarded as having ceased to be an Associate Member of UNESCO on that date." Trinidad and Tobago, on the one hand, and Jamaica, on the other, became States Members of UNESCO on 2 and 7 November 1962, respectively, following their admissions to the United Nations on 18 September 1962.

11. *The Federation of Nigeria* became a State Member of UNESCO on 14 November 1960, following its admission to the United Nations on 7 October 1960.

12. *Kuwait*. On 25 April 1960, the Government of Kuwait submitted an application for the admission of Kuwait to membership of UNESCO in accordance with Article II, paragraph 2 of the Constitution of UNESCO (Kuwait not being a member of the United Nations). In accordance with the then existing provisions of Article II of the Agreement between the United Nations and UNESCO,¹ this application was transmitted to the Economic and Social Council of the United Nations which decided at its thirtieth session to inform UNESCO that it had no objection to the admission of Kuwait to UNESCO. Following that decision, the Executive Board of UNESCO adopted at its 57th session a resolution recommending to the General Conference that Kuwait be admitted to membership of the Organization. On 15 November 1960, in the course of its 11th Session, the General Conference decided to admit Kuwait to membership of UNESCO (*11C/Resolution 0.51*). Article II of the Agreement between the United Nations and UNESCO has since been deleted, with effect on 10 December 1962.

13. *Somalia* became a State Member of UNESCO on 15 November 1960, following its admission to the United Nations on 20 September 1960.

14. *Tanganyika* became a State Member of UNESCO on 7 March 1962, following its admission to the United Nations on 14 December 1961.

15. *Rwanda and Burundi* became States Members of UNESCO on 7 and 16 November 1962, respectively, following their admissions to the United Nations on 18 September 1962.

20 March 1963

¹ United Nations, *Agreements between the United Nations and the specialized agencies and the International Atomic Energy Agency* (ST/SG/14), p. 23.

Part Three

**JUDICIAL DECISIONS ON QUESTIONS RELATING TO
THE UNITED NATIONS AND RELATED
INTER-GOVERNMENTAL ORGANIZATIONS**

Chapter VII

DECISIONS OF INTERNATIONAL TRIBUNALS

International Court of Justice

CASE CONCERNING THE NORTHERN CAMEROONS (CAMEROON V. UNITED KINGDOM), PRELIMINARY OBJECTIONS: JUDGEMENT OF 2 DECEMBER 1963¹

On 2 December 1963 the International Court of Justice delivered its Judgement in the case concerning the Northern Cameroons (Preliminary Objections) between the Federal Republic of Cameroon and the United Kingdom of Great Britain and Northern Ireland.

Proceedings had been instituted by an Application of 30 May 1961 in which the Government of the Republic of Cameroon asked the Court to declare that, in the application of the Trusteeship Agreement for the Territory of the Cameroons under British Administration, the United Kingdom failed, with regard to the Northern Cameroons, to respect certain obligations flowing from that Agreement. The Government of the United Kingdom had raised preliminary objections.

In its Judgement, the Court found, by 10 votes to 5, that it could not adjudicate upon the merits of the claim of the Federal Republic of Cameroon.

Judges Spiropoulos and Koretsky appended to the Judgement declarations of their dissent. Judge Jessup, while entirely agreeing with the reasoning in the Judgement of the Court, also appended a declaration. Judges Wellington Koo, Sir Percy Spender, Sir Gerald Fitzmaurice and Morelli appended separate opinions. Judges Badawi and Bustamante y Rivero and Judge *ad hoc* Beb a Don appended dissenting opinions.

A detailed summary of this Judgement appears in the *Yearbook* of the International Court of Justice 1963-1964² and in the *Annual Report* of the Secretary-General of the United Nations on the work of the Organization, 16 June 1963—15 June 1964³.

¹ *I.C.J. Reports 1963*, p. 15.

² Pp. 95-98.

³ *Official Records of the General Assembly, Nineteenth Session, Supplement No. 1 (A/5801)*, pp. 123-125.

Chapter VIII

DECISIONS OF NATIONAL TRIBUNALS

1. United States of America

U.S. DISTRICT COURT, SOUTHERN DISTRICT OF NEW YORK

U.S. EX. REL. ROBERTO SANTIESTEBAN CASANOVA V. WALTER
W. FITZPATRICK: JUDGEMENT OF 16 JANUARY 1963¹

Status of staff member of Permanent Mission to United Nations—Interpretation of Article 105 of United Nations Charter and article V, section 15 of the Headquarters Agreement—Jurisdiction of Federal District Court

Petitioner Casanova, who had entered the United States on 3 October 1962 on a diplomatic passport to serve as an attaché and resident member of the Cuban Permanent Mission to the United Nations, was arrested on 16 November 1962 on a charge under Title 18, sections 2155(b) and 371, of the United States Code. He sought release from custody on a writ of habeas corpus on the ground of the Court's lack of jurisdiction over him, contending that he was entitled to diplomatic immunity from arrest and prosecution under the United Nations Charter, the Headquarters Agreement and international law, and contending further that even if his claim to immunity was overruled, the writ, nonetheless, had to be sustained because the Supreme Court of the United States had original and exclusive jurisdiction to try him. By a judgment of 16 January 1963 the District Court (Weinfeld, J.) denied the writ.

The Court held that Article 105 of the Charter did not purport, nor did it confer, diplomatic immunity, and that the "broadest claim that can be made is that it is self-operative with respect to functional activities". Even if it were so construed, the Court stated, it would not avail the petitioner, since the crime with which he was charged was not a function of any mission or member of a mission to the United Nations.

The Government of the United States, a party to the Headquarters Agreement and to the present controversy, challenged by way of submitting a certificate the petitioner's claim for diplomatic immunity under section 15 (2) of article V of the Headquarters Agreement. The certificate pointed out that section 15 (2) expressly provides that immunity thereunder is accorded only to "such resident members of their staffs as may be agreed upon between the

¹ 214 Fed. Supp. 425. Defendant moved for leave to file petition for writ of prohibition or writ of mandamus in the Supreme Court of the United States on 25 February 1963 and took an appeal under 28 USC 2253 on the issue of immunity under the Headquarters Agreement, the Charter of the United Nations and the law of nations. Following an order dismissing proceedings against the defendant (apparently in connexion with a prisoner exchange, see New York Times of 23, 24 and 25 April 1963), the motion in the Supreme Court was dismissed under Rule 60 of the Rules of the Court by agreement of the parties (373 United States Reports 906) and the appeal which had become moot was allowed to lapse. The United States Government has been informed that it is the position of the Secretary-General that section 15 (2) of the Headquarters Agreement does not properly permit the interpretation that the consent of the United States authorities is required in each individual case. The matter is presently under negotiation.

Secretary-General, the Government of the United States and the Government of the Member concerned” and it denied that any such agreement was ever manifested, although it admitted that an application therefor was made by the Secretary-General pursuant to the request of the Cuban Mission. The Court held this certificate as “evidential but not conclusive” since the question as to whether “immunity exists by reason of the agreement is not a political question but a justiciable controversy involving the interpretation of the agreement and its application to the particular facts.”

The Court then went on to deny the petitioner’s claim that the phrase in section 15 (2) “such resident members. . . as may be agreed upon” contemplates agreement only as to categories and not as to the individuals. The Court said:

“. . .full diplomatic immunity is accorded under subdivision I of section 15 to top echelon representatives of member nations identical to that accorded to accredited diplomats to the United States. As to their staff members, pending agreement by the United States under section 15 (2), which would entitle them to diplomatic immunity, there is available under the International Organizations Immunities Act the immunity necessary for the independent exercise of their functions, apart from Article 105 of the Charter, if in fact it is self-executing. No member State is prevented from appointing whomever it will to serve on the resident staff of its mission to the United Nations, but the United States, under section 15 (2), is not required, simply by reason of one’s employment in a particular category, to grant diplomatic immunity. It retains the right thereunder to agree or not to agree that diplomatic immunity shall extend to individuals, who qualify under the broad category ‘Resident Members of their Staffs’ . . .

“The language of the section controls. There is nothing in its history or in the practice under it to support petitioner’s claim. To accept his contention would in effect amend section 15 (2) by inserting therein the words ‘classes of’ to read ‘such classes of resident members’ . . .”

As to the effect of the issuance of the G-1 visa (applicable to the principal resident representative of a recognized foreign member government to an international organization, his staff, and members of immediate family) and the landing permit, the Court held:

“The fact that the G-1 visa recognized that petitioner had the status encompassed within section 15 (2) does not mean that by reason thereof the United States gave the required agreement thereunder. The visa was issued at the request of the Cuban Mission upon presentation of a diplomatic passport issued by the Cuban Government and its representation of petitioner’s appointment as ‘diplomatic attaché’. Since the designation rested with the Cuban Government, the United States was obligated under sections 11 and 13 of the Headquarters Agreement not to impose any impediment in his transit to and from the Headquarters District and to provide him with the necessary visa. . .

“The question of the agreement of the United States Government to diplomatic immunity was entirely separate from facilitating petitioner’s entry [into the United States] to assume his duties with his mission.

“. . .the Government of the United States did not, by the issuance of the visa and the landing permit, give its agreement that petitioner. . . was thereby entitled to diplomatic immunity under section 15 (2) of the Headquarters Agreement.”

So far as the petitioner’s claim was based on the law of nations, the Court held that he was not entitled to diplomatic immunity from the time of his entry until he was either agreed upon or rejected in response to this government’s request, for his position was not analogous to that of diplomats awaiting acknowledgment by governments to which they are accredited. The Court also stated:

“It is the Headquarters Agreement, the Charter and the applicable statutes of the United States that govern the determination of his rights, not the Law of Nations. The Law of Nations comes into play and has applicability in defining the nature and scope of diplomatic immunity only once it is found a person is entitled thereto under an applicable agreement or statute.”

Finally, the jurisdictional contention that by virtue of the Constitution² and the Judicial Code³ the petitioner may be prosecuted and tried only before the Supreme Court was rejected. The Court said *inter alia*:

“The Constitutional provision and the statute are designed to apply to diplomatic representatives of foreign governments accredited to the United States. International organizations which have come into full bloom only in the last several decades were not envisaged by the Founding Fathers; clearly it was not within their contemplation that staff members of missions to such international organizations were included within the term ‘Ambassadors and other public Ministers’ . . .”

² See article III, section 2, clause 2.

³ See section 1251(a) of Title 28 United States Code.

2. United States of America

U.S. DISTRICT COURT, EASTERN DISTRICT OF NEW YORK

U.S.A. v. IVAN DMITRIEVICH EGOROV AND ALEKSANDRA EGOROVA:
JUDGEMENT OF 7 OCTOBER 1963¹

Effect of visa and diplomatic passport—United Nations employee accused of criminal act not within his official duties is not entitled to immunity or Supreme Court’s original jurisdiction.

Defendant Egorov, who was an employee of the United Nations Secretariat, and his wife were arrested and charged under Title 18, sections 371, 794(a) and (c), and 951, of the United States Code. They made a motion for an order dismissing indictment against them claiming that they were entitled to diplomatic immunity and, in the alternative, that the United States Supreme Court had original and exclusive jurisdiction pursuant to article III, section 2, clause 2 of the United States Constitution. By a judgement of 7 October 1963 the District Court (Rayfield, J.) denied the motion.

The defendants based their claim on the fact that the U.S.S.R., exercising its rights as a sovereign power, invested Egorov with immunity by issuing to him a diplomatic passport wherein he was designated as First Secretary of the Ministry of Foreign Affairs; and that the American Embassy at Moscow issued to Egorov and his family non-immigrant visa upon the receipt of Egorov’s application in which he stated his afore-mentioned diplomatic rank. The Court said *inter alia*:

“The visa issued to Egorov was not a diplomatic visa but a G-4 visa, which is issued to officers and employees of international organizations, and bore the notation ‘Employee of United Nations Secretariat’ . . .

“The issuance to Egorov of a diplomatic passport is not controlling of his status. The title of ‘First Secretary of the Ministry of Foreign Affairs’ would entitle him to diplomatic immunity provided that he had been accepted and recognized as such by the United States. Section 252 of Title 22 U.S. Code grants immunity from arrest only to those ambassadors or public ministers of foreign states who have been ‘authorized and received as such by the President’ . . .”

The Court, after noting the absence of the United States’ acceptance and recognition of Egorov’s diplomatic status, pointed to the sovereign right of a government to pass upon the acceptability of diplomatic representatives of foreign governments.

¹ 222 Fed. Supp. 106.

With regard to the privileges and immunities to which Egorov was entitled as an employee of the United Nations Secretariat pursuant to the International Organizations Immunities Act (sections 288-288(f) of Title 22 of the United States Code), the Court stated:

“ Section 288 d (b) thereof provides that ‘Representatives of foreign governments in or to international organizations. . . and officers and employees of such organizations shall be immune from suit and legal process *relating to acts performed by them in their official capacity and falling within their functions as such representatives, officers, or employees. . .*’ The limitation created by the underscored provisions of the said Section precludes Egorov from claiming general immunity.”

As to Article 105 of the United Nations Charter, urged by Egorov as a further basis for his claim of immunity, the Court also held that he derived no protection therefrom so far as the charges against him were concerned.

The Court then concluded that since Egorov did not have diplomatic status he did not come within the purview of article III, section 2, clause 2 of the Constitution.

Part Four

**LEGAL DOCUMENTS INDEX AND BIBLIOGRAPHY OF THE
UNITED NATIONS AND RELATED INTER-GOVERNMENTAL
ORGANIZATIONS**

Chapter IX

LEGAL DOCUMENTS INDEX OF THE UNITED NATIONS AND RELATED INTER-GOVERNMENTAL ORGANIZATIONS

A. Legal Documents Index of the United Nations^{1, 2}

MAIN HEADINGS

- I. GENERAL ASSEMBLY AND SUBSIDIARY ORGANS
 - 1. Plenary General Assembly and Main Committees
 - 2. Committee on arrangements for a conference for the purpose of reviewing the Charter
 - 3. Executive Committee of the Programme of the United Nations High Commissioner for Refugees
 - 4. Committee on the Peaceful Uses of Outer Space
 - 5. Special Committee on Territories under Portuguese Administration
 - 6. Special Committee on the Policies of *Apartheid* of the Government of the Republic of South Africa
 - 7. International Law Commission
 - 8. United Nations Conference on Diplomatic Intercourse and Immunities (Vienna, 1961)
 - 9. United Nations Conference on Consular Relations (Vienna, 1963)
- II. SECURITY COUNCIL AND SUBSIDIARY ORGANS
 - Security Council
- III. ECONOMIC AND SOCIAL COUNCIL AND SUBSIDIARY ORGANS
 - 1. Economic and Social Council and sessional Committees
 - 2. Committee for Industrial Development
 - 3. Commission on Human Rights
 - 4. Social Commission
 - 5. Commission on the Status of Women
 - 6. Commission on Narcotic Drugs
 - 7. Economic Commission for Africa
 - 8. United Nations Conference on Olive Oil (Geneva, 1963)
 - 9. United Nations Sugar Conference (London, 1963)

¹ The documentary material relating to each United Nations organ is divided, where appropriate, into two sections :“[(A)]. Documents relating to agenda items of legal interest”, and “[B) Other] documents of legal interest”. Section (A) contains references to the summary and verbatim records where the item was discussed, as well as to all the documents related to the agenda item. Section (B) lists the remaining documents of legal interest. A document relating to a given United Nations organ is not listed in the section (B) relating to that organ if it already appears in the section (A) of any other organ.

² The following abbreviations have been used in the document references: a.i. = agenda item; E.S.C. = Economic and Social Council; G.A. = General Assembly; mtg. = meeting; Plen. = Plenary meeting.

IV. SECRETARIAT

V. INTERNATIONAL COURT OF JUSTICE

I. GENERAL ASSEMBLY AND SUBSIDIARY ORGANS

1. PLENARY GENERAL ASSEMBLY AND MAIN COMMITTEES

(A) (i) *Documents relating to agenda items of legal interest* (eighteenth session)

(1) *Report of the Committee on arrangements for a conference for the purpose of reviewing the Charter* (agenda item 21)³

(a) Basic document: Report of the Committee on arrangements for a conference for the purpose of reviewing the Charter (A/5487): see G.A. (XVIII), Annexes, a.i.21.

(b) Consideration in plenary:

(i) *draft resolution* (A/L.446): see G.A. (XVIII), Annexes, a.i.21.

(ii) *debate*: G.A. (XVIII), Plen., 1285th mtg.

(iii) *resolution adopted*: General Assembly resolution 1993 (XVIII) of 17 December 1963.

(2) *Report of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples* (agenda item 23)

(a) Basic document: Report of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples (A/5446/Rev.1): see G.A. (XVIII), Annexes, addendum to a.i.23.

(b) Consideration by the Fourth Committee of the question of Territories under Portuguese administration:

(i) *draft resolution* (A/C.4/L.781 and Add.1-2), *statement* by the African Group (A/C.4/620), *opinion* of the Legal Counsel (A/C.4/621)⁴ and *report* of the Fourth Committee (A/5629 and Add.1): see G.A. (XVIII), Annexes, a.i.23.

(ii) *debates*: G.A. (XVIII), 4th Committee, 1457th, 1470th, 1474th to 1478th, 1480th, 1482nd to 1491st, 1494th, 1495th, 1507th, 1508th and 1515th mtgs.

(c) Consideration in plenary:

(i) *draft resolutions* (A/L.436 and Add.1, L.437 and Add.1-2, L.438 and Add.1, L.439 and Add.1, L.440 and Add.1-2, L.441 and Add.1-2, L.442 and Add.1, and L.443 and Add.1-2): see G.A. (XVIII), Annexes, a.i.23.

(ii) *debates*: G.A. (XVIII), Plen., 1266th to 1273rd., 1277th and 1284th mtgs.

(iii) *resolutions adopted*: General Assembly resolutions 1913 (XVIII) (on the question of Territories under Portuguese administration), of 3 December 1963, and 1949 (XVIII) (on the question of Aden), 1950 (XVIII) (on the question of Malta), 1951 (XVIII) (on the question of Fiji), 1952 (XVIII) (on the question of Northern Rhodesia), 1958 (XVIII) (on the question of Nyasaland), 1954 (XVIII) (on the question of Basutoland, Bechuanaland and Swaziland), 1955 (XVIII) (on the question of British Guiana) and 1956 (XVIII) (on the item as a whole), of 11 December 1963. See also decision taken by the General Assembly at its 1284th plenary meeting, on 17 December 1963.

³ See also section I 2 below.

⁴ Text reproduced in this *Yearbook*, p. 164.

- (3) *Report of the Ad Hoc Committee on the Improvement of the Methods of Work of the General Assembly* (agenda item 25)
- (a) Basic documents: Report of the *Ad Hoc* Committee on the Improvement of the Methods of Work of the General Assembly (A/5423) and Seventh report of the Advisory Committee on Administrative and Budgetary Questions (A/5442) (on the question of the introduction of mechanical voting in the General Assembly): see G.A. (XVIII), Annexes, a.i.25.
- (b) Consideration in plenary:
- (i) *draft resolution* (A/L.444/Rev.1) (on the installation of mechanical means of voting): see G.A. (XVIII), Annexes, a.i.25.
- (ii) *debates*: G.A. (XVIII), Plen., 1256th and 1278th mtgs.
- (iii) *resolutions adopted*: General Assembly resolutions 1898 (XVIII) of 11 November 1963 (on the item as a whole) and 1957 (XVIII) of 12 December 1963 (on the installation of mechanical means of voting).
- (4) *Question of general and complete disarmament: report of the Conference of the Eighteen-Nation Committee on Disarmament* (agenda item 26)
- (a) Basic documents: Third interim progress report of the Conference of the Eighteen-Nation Committee on Disarmament (A/5408—DC/207) and Fourth interim progress report (A/5488—DC/208): see G.A. (XVIII), Annexes, a.i.26.
- (b) Consideration by the First Committee :
- (i) *draft resolutions* (A/C.1/L.324, L.328 and Add.1-2, and L.328/Rev.1), *letter* from the representative of Israel (A/C.1/891 and Corr.1) and *report* of the First Committee (A/5571 and Add.1): see G.A. (XVIII), Annexes, a.i.26.
- (ii) *debates*: G.A. (XVIII), 1st Committee, 1311th, 1319th to 1332nd, 1335th, 1337th and 1338th mtgs.
- (c) Consideration in plenary:
- (i) *debates*: G.A. (XVIII), Plen., 1244th and 1265th mtgs.
- (ii) *resolutions adopted*: General Assembly resolutions 1884 (XVIII)⁵ of 17 October 1963 and 1908 (XVIII) of 27 November 1963.
- (5) *Question of convening a conference for the purpose of signing a convention on the prohibition of the use of nuclear and thermo-nuclear weapons: report of the Secretary-General* (agenda item 27)
- (a) Basic document: Report of the Secretary-General (A/5518): see G.A. (XVIII), Annexes, a.i.27.
- (b) Consideration by the First Committee:
- (i) *draft resolution* (A/C.1/L.330 and Add.1-2) and *report* of the First Committee (A/5617): see G.A. (XVIII), Annexes, a.i.27.
- (ii) *debates*: G.A. (XVIII), 1st Committee, 1334th to 1337th and 1339th to 1341st mtgs.
- (c) Consideration in plenary:
- (i) *debate*: G.A. (XVIII), Plen., 1265th mtg.
- (ii) *resolution adopted*: General Assembly resolution 1909 (XVIII) of 27 November 1963.
- (6) *International co-operation in the peaceful uses of outer space: (a) Report of the Committee on the Peaceful Uses of Outer Space; (b) Report of the Economic and Social Council (chapter VII, section IV)* (agenda item 28)⁶
- (a) Basic document: Report of the Committee on the Peaceful Uses of Outer Space (A/5549 [annex III contains proposals submitted to the Legal Sub-Committee at its second session] and Add. 1 [contains draft declaration of legal principles

⁵ *Ibid.*, p. 53.

⁶ See also section I 4 below.

governing the activities of States in the exploration and use of outer space, submitted by the Committee): see G.A. (XVIII), Annexes, a.i.28.

- (b) Consideration by the First Committee:
 - (i) *draft resolution* (A/C.1/L.332 and Rev.1) and *report* of the First Committee (A/5656): see G.A. (XVIII), Annexes, a.i.28.
 - (ii) *debates*: G.A. (XVIII), 1st Committee, 1342nd to 1346th mtgs.
 - (c) Consideration in plenary:
 - (i) *debate*: G.A. (XVIII), Plen. 1280th mtg.
 - (ii) *resolutions adopted*: General Assembly resolutions 1962 (XVIII)⁷ ("Declaration of Legal Principles Governing the Activities of States in the Exploration and Use of Outer Space") and 1963 (XVIII) (on international cooperation in the peaceful uses of outer space), of 13 December 1963.
- (7) *Draft Declaration on the Elimination of All Forms of Racial Discrimination* (agenda item 43)⁸
- (a) Basic documents: Note by the Secretary-General (A/5459): see G.A. (XVIII), Annexes, a.i.43.—Economic and Social Council resolution 958 E (XXXVI) of 12 July 1963 (annex contains text of draft Declaration as adopted by Commission on Human Rights).
 - (b) Consideration by the Third Committee :
 - (i) *draft resolutions* (A/C.3/L.1064, L.1065, L.1066, L.1067, L.1068/Rev.2 and Add.1, L.1069, L.1070, L.1071, L.1072, L.1073/Rev.1, L.1074, L.1075/Rev.1, L.1076, L.1077, L.1078, L.1079/Rev.1, L.1080/Rev.2, L.1081, L.1082/Rev.1, L.1083, L.1084, L.1085, L.1086, L.1087, L.1088/Rev.1, L.1089, L.1090 and Add.1, L.1091, L.1092 and Add.1, L.1093, L.1094, L.1096, L.1097/Rev.1, L.1098, L.1099, L.1100 and Add.1, L.1101, L.1102, L.1103, L.1104, L.1105, L.1106, L.1107, L.1108, L.1109, L.1110, L.1111, L.1112, L.1113 and Add.1, L.1115/Rev.1, L.1116 and Rev.1-3, L.1117, L.1118, L.1119, L.1120, L.1122, L.1123, L.1124 and Rev.1, L.1125, L.1127, L.1128, L.1129 and L.1130 [on the item as a whole], L.1126/Rev.2 and L.1138 [on the question of publicity to be given to the United Nations Declaration on the Elimination of All Forms of Racial Discrimination], and L. 1137/Rev.1 and L.1150 [on the question of the preparation of a draft international convention on the elimination of all forms of racial discrimination]), *drafting suggestions* by the Rapporteur (A/C.3/L. 1142) and *report* of the Third Committee (A/5603): see G.A. (XVIII), Annexes, a.i.43.
 - (ii) *debates*: G.A. (XVIII), 3rd. Committee, 1213th to 1233rd, 1237th, 1242nd and 1244th to 1252nd mtgs.
 - (c) Consideration in plenary:
 - (i) *draft resolutions* (A/L.434 and L.435): see G.A. (XVIII), Annexes, a.i.43.
 - (ii) *debates*: G.A. (XVIII), Plen., 1260th and 1261st mtgs.
 - (iii) *resolutions adopted*: General Assembly resolutions 1904 (XVIII)⁹ (on the item as a whole) (contains text of United Nations Declaration on the Elimination of All Forms of Racial Discrimination), 1905 (XVIII) (on the question of publicity to be given to the Declaration) and 1906 (XVIII) (on the question of the preparation of a draft international convention on the elimination of all forms of racial discrimination), of 20 November 1963.
- (8) *Draft International Covenants on Human Rights* (agenda item 48)¹⁰
- (a) Basic document: Note by the Secretary-General (A/5462): see G.A. (XVIII), Annexes, a.i.48.

⁷ Text reproduced in this *Yearbook*, p. 54.

⁸ See also section III 3 below.

⁹ Text reproduced in this *Yearbook*, p. 55.

¹⁰ See also section III 3 below.

- (b) Consideration by the Third Committee:
 - (i) *draft resolutions* (A/C.3/L.1166, L.1167, L.1168, L.1169, L.1170, L.1171, L.1172, L.1173, L.1174 and Rev.1, L.1175 and Add.1, L.1176, L.1177 and Rev.1, L.1180, L.1182/Rev.2 and L.1184), *explanatory paper* on measures of implementation prepared by the Secretary-General and *observations* from Governments (A/5411 and Add.1-2) and *report* of the Third Committee (A/5655) (annex contains text of articles adopted by Third Committee at the eighteenth session): see G.A. (XVIII), Annexes, a.i.48.
 - (ii) *debates*: G.A. (XVIII), 3rd Committee, 1256th to 1269th and 1273rd to 1279th mtgs.
 - (c) Consideration in plenary:
 - (i) *debate*: G.A. (XVIII), Plen., 1279th mtg.
 - (ii) *resolution adopted*: General Assembly resolution 1960 (XVIII) of 12 December 1963.
- (9) *Question of South West Africa* (agenda item 55)
- (a) Basic documents: Report of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples (chap. IV) (A/5446/Rev.1): see G.A. (XVIII), Annexes, a.i.23, Add. — Report of the Secretary-General (on special educational and training programmes for South West Africa) (A/5526 and Add.1): see G.A. (XVIII), Annexes, a.i.55.
 - (b) Consideration by the Fourth Committee:
 - (i) *draft resolutions* (A/C.4/L.777 and Add.1-3, L.779 and L.790 and Add.1 [on the item as a whole], L.778 and Add.1-2 [on special educational and training programmes]), *report* of the Secretary-General (A/5634) and *report* of the Fourth Committee (A/5605 and Add.1): see G.A. (XVIII), Annexes, a.i.55.
 - (ii) *debates*: G.A. (XVIII), 4th Committee, 1453rd to 1469th, 1471st to 1474th, 1477th, 1496th and 1513th to 1515th mtgs.
 - (c) Consideration in plenary:
 - (i) *debates*: G.A. (XVIII), Plen., 1257th and 1284th mtgs.
 - (ii) *resolutions adopted*: General Assembly resolutions 1899 (XVIII) of 13 November 1963 and 1979 (XVIII) of 17 December 1963 (on the item as a whole), and 1900 (XVIII) (on petitions concerning the Territory) and 1901 (XVIII) (on special educational and training programmes) of 13 November 1963.
- (10) *Report of the International Law Commission on the work of its fifteenth session* (agenda item 69)¹¹
- (a) Basic document: Report of the International Law Commission on the work of its fifteenth session: G.A. (XVIII), Suppl. No. 9 (A/5509).
 - (b) Consideration by the Sixth Committee:
 - (i) *draft resolution* (A/C.6/L.529 and Corr.1) and *report* of the Sixth Committee (A/5601)¹²: see G.A. (XVIII), Annexes, a.i.69.
 - (ii) *debates*: G.A. (XVIII), 6th Committee, 780th to 793rd mtgs.
 - (c) Consideration in plenary:
 - (i) *debate*: G.A. (XVIII), Plen., 1258th mtg.
 - (ii) *resolution adopted*: General Assembly resolution 1902 (XVIII)¹³ of 18 November 1963.
- (11) *Question of extended participation in general multilateral treaties concluded under the auspices of the League of Nations* (agenda item 70)¹⁴

¹¹ See also section I 7 below.

¹² Text reproduced in this *Yearbook*, p. 58.

¹³ *Ibid.*, p. 66.

¹⁴ See also section I 7 below.

- (a) Basic document: Report of the International Law Commission on the work of its fifteenth session: G.A. (XVIII), Suppl. No. 9 (A/5509).
 - (b) Consideration by the Sixth Committee :
 - (i) *draft resolutions* (A/C.6/L.532, L.533 and Corr.1-2, L.534 and L.536 and Add.1) and *report* of the Sixth Committee (A/5602)¹⁶: see G.A. (XVIII), Annexes, a.i.70.
 - (ii) *debates*: G.A. (XVIII), 6th Committee, 794th to 802nd mtgs.
 - (c) Consideration in plenary:
 - (i) *draft resolutions* (A/L.431/Rev.1 and L.432): see G.A. (XVIII), Annexes, a.i.70.
 - (ii) *debates*: G.A. (XVIII), Plen., 1258th and 1259th mtgs.
 - (iii) *resolution adopted*: General Assembly resolution 1903 (XVIII)¹⁶ of 18 November 1963.
- (12) *Consideration of principles of international law concerning friendly relations and co-operation among States in accordance with the Charter of the United Nations* (agenda item 71)
- (a) Basic documents: General Assembly resolution 1815 (XVII) of 18 December 1962.—Comments from Governments (A/5470 and Add.1-2) : see G.A. (XVIII), Annexes, a.i.71.
 - (b) Consideration by the Sixth Committee :
 - (i) *draft resolutions* (A/C.6/L.538 and Corr.1, L.539, L.540 and Add.1-2, L.541 and Corr.1 and Add.1-2, L.542, L.543 and L.545), Secretariat *selected background documentation* (A/C.6/L.537) (mimeographed), *working papers* by Czechoslovakia (A/C.6/L.528) and Australia, Canada, Denmark, France, Malaysia and the United Kingdom (A/C.6/L.531), and *report* of the Sixth Committee (A/5671):¹⁷ see G.A. (XVIII), Annexes, a.i.71.
 - (ii) *debates*: G.A. (XVIII), 6th Committee, 802nd to 825th, 829th and 831st to 834th mtgs.
 - (c) Consideration in plenary:
 - (i) *debate*: G.A. (XVIII), Plen., 1281st mtg.
 - (ii) *resolutions adopted*: General Assembly resolutions 1966 (XVIII)¹⁸ (on the item as a whole) and 1967 (XVIII)¹⁹ (on the question of methods of fact-finding), of 16 December 1963.
- (13) *Technical assistance to promote the teaching, study, dissemination and wider appreciation of international law: report of the Secretary-General with a view to the strengthening of the practical application of international law* (agenda item 72)
- (a) Basic document: Comments by Governments and international organizations and institutions (A/5455 and Add.1-6) and Report of the Secretary-General (A/5585): see G.A. (XVIII), Annexes, a.i.72.
 - (b) Consideration by the Sixth Committee:
 - (i) *report* of the Working Group (A/C.6/L.544) and *report* of the Sixth Committee (A/5672)²⁰: see G.A. (XVIII), Annexes, a.i.72.
 - (ii) *Debates*: G.A. (XVIII), 6th Committee, 826th to 828th, 830th and 834th to 836th mtgs.
 - (c) Consideration in plenary:
 - (i) *debate*: G.A. (XVIII), Plen., 1281st mtg.

¹⁵ Text reproduced in this *Yearbook*, p. 67.

¹⁶ *Ibid.*, p. 73.

¹⁷ *Ibid.*, p. 75.

¹⁸ *Ibid.*, p. 94.

¹⁹ *Ibid.*, p. 96.

²⁰ *Ibid.*, p. 97.

- (ii) *resolution adopted*: General Assembly resolution 1968 (XVIII)²¹ of 16 December 1963.
- (14) *Urgent need for suspension of nuclear and thermo-nuclear tests* (agenda item 73)
- (a) Basic document: Letters from the Permanent Representative of India to the United Nations addressed to the Secretary-General (A/5428 and Add.1) (request the inclusion of the item in the agenda of the 18th session of the General Assembly and submit explanatory memorandum): see G.A. (XVIII), Annexes, a.i.73.
- (b) Consideration by the First Committee:
- (i) *draft resolutions* (A/C.1/L.326 and Add.1, and L.327) and *report* of the First Committee (A/5597): see G.A. (XVIII), Annexes, a.i.73.
- (ii) *debates*: G.A. (XVIII), 1st Committee, 1310th, 1312th to 1318th, 1321st and 1323rd mtgs.
- (c) Consideration in plenary:
- (i) *debate*: G.A. (XVIII), Plen., 1265th mtg.
- (ii) *resolution adopted*: General Assembly resolution 1910 (XVIII) of 27 November 1963.
- (15) *Denuclearization of Latin America* (agenda item 74)
- (a) Basic documents: Letters from the Deputy Permanent Representative and the Permanent Representative of Brazil to the United Nations addressed to the Secretary-General (A/5447 and Add.1) (request the inclusion of the item in the agenda of the 18th session of the General Assembly and submit explanatory memorandum) and Letter from the representatives of Bolivia, Brazil, Chile, Ecuador and Mexico to the Secretary-General (A/5415/Rev.1) (annex contains "Declaration on the denuclearization of Latin America issued on 29 April 1963 by the Presidents of Bolivia, Brazil, Chile, Ecuador and Mexico"): see G.A. (XVIII), Annexes, a.i.74.
- (b) Consideration by the First Committee:
- (i) *draft resolution* (A/C.1/L.329 and Add.1.) and *report* of the First Committee (A/5618): see G.A. (XVIII), Annexes, a.i.74.
- (ii) *debates*: G.A. (XVIII), 1st Committee, 1333rd to 1337th and 1339th to 1341st mtgs.
- (c) Consideration in plenary:
- (i) *debate*: G.A. (XVIII), Plen., 1265th mtg.
- (ii) *resolution adopted*: General Assembly resolution 1911 (XVIII) of 27 November 1963.
- (16) *Question of the composition of the General Committee of the General Assembly* (agenda item 81), *question of equitable representation on the Security Council and the Economic and Social Council* (agenda item 82) and *report of the Economic and Social Council (chapter XIII (section VI))* (agenda item 12)
- (a) Basic documents: Letter from the Permanent Representatives of Afghanistan, Algeria, Burma, Cambodia, Cameroon, Ceylon, Congo (Brazzaville), Congo (Leopoldville), Cyprus, Dahomey, Ethiopia, Gabon, Ghana, Guinea, India, Indonesia, Iran, Iraq, Ivory Coast, Japan, Jordan, Kuwait, Laos, Lebanon, Liberia, Libya, Malaysia, Mali, Morocco, Nepal, Niger, Nigeria, Pakistan, Philippines, Rwanda, Senegal, Sierra Leone, Somalia, Sudan, Syria, Tanganyika, Thailand, Togo, Tunisia, Uganda, United Arab Republic, Upper Volta and Yemen to the United Nations addressed to the Secretary-General (A/5519) (requests the inclusion of item 81 in the agenda of the 18th session of the General Assembly and submits explanatory memorandum) and Letter from the Permanent Representatives of Afghanistan, Algeria, Burma, Cambodia, Cameroon, Ceylon, Congo (Brazzaville), Congo (Leopoldville), Cyprus, Dahomey, Ethiopia, Ghana, Guinea, India, Indonesia, Iran, Iraq, Ivory Coast, Japan, Kuwait, Laos, Liberia, Libya, Malaysia, Mali, Mauritania, Morocco, Nepal, Niger, Nigeria,

²¹ *Ibid.*, p. 103.

Pakistan, Philippines, Rwanda, Senegal, Sierra Leone, Somalia, Sudan, Tanganyika, Thailand, Tunisia, Uganda, United Arab Republic, Upper Volta and Yemen to the United Nations addressed to the Secretary-General (A/5520) (requests the inclusion of item 82 in the agenda of the 18th session of the General Assembly and submits explanatory memorandum): see G.A. (XVIII), Annexes, a.i.81, 82 and 12.—Report of the Economic and Social Council (chapter XIII (section VI)): G.A. (XVIII), Suppl. No. 3 (A/5503).

- (b) Consideration by the Special Political Committee:
 - (i) *draft resolutions* (A/SPC/L.101 and Add.1-2, L.106, L.107 and L.108 [on the question of the composition of the General Committee of the General Assembly], L.104/Rev.1, L.105, L.109 and L.110 [on the question of equitable representation on the Security Council and the Economic and Social Council]), *report* of the Special Political Committee (A/5675) and *letter* from the representative of the U.S.S.R. to the Secretary-General (A/5686): see G.A. (XVIII), Annexes, a.i.81, 82 and 12.
 - (ii) *debates*: G.A. (XVIII), Spec. Pol. Com., 417th to 429th mtgs.
- (c) Consideration in plenary:
 - (i) *debate*: G.A. (XVIII), Plen., 1285th mtg.
 - (ii) *resolutions adopted*: General Assembly resolutions 1990 (XVIII) (on the question of the composition of the General Committee of the General Assembly) and 1991 A and B (XVIII) (on the question of equitable representation on the Security Council and the Economic and Social Council), of 17 December 1963.

(A) (ii) *Documents relating to an agenda item of legal interest* (fourth special session)

Consideration of the financial situation of the Organization in the light of the report of the Working Group on the Examination of the Administrative and Budgetary Procedures of the United Nations (agenda item 7)

- (a) Basic documents: Report of the Working Group (A/5407) and related papers (A/AC.113/1-27), report by the Secretary-General on the United Nations financial position and prospects (A/C.5/974), report by the Secretary-General on the cost estimates for 1963 for the United Nations Operation in the Congo (A/5416) and related report of the Advisory Committee on Administrative and Budgetary Questions (A/5421): see G.A. (S-IV), Annexes, a.i.7.—Report by the Secretary-General on the cost estimates for 1963 of the United Nations Emergency Force (A/5187) and related report of the Advisory Committee on Administrative and Budgetary Questions (A/5274): see G.A. (XVII), Annexes, a.i.32 and 63.
- (b) Consideration by the Fifth Committee:
 - (i) *draft resolutions* (A/C.5/L.782 and Add.1, L.783 and Add.1, L.784 and Add.1, L.785 and Add.1-2, L.786 and Add.1, L.787 and Rev.1, and L.788 and Add.1) and *report* of the Fifth Committee (A/5438): see G.A. (S-IV), Annexes, a.i.7.
 - (ii) *debates*: G.A. (S-IV), 5th Committee, 984th to 1005th mtgs.
- (c) Consideration in plenary:
 - (i) *debate*: G.A. (S-IV), Plen., 1205th mtg.
 - (ii) *resolutions adopted*: General Assembly resolutions 1874 (S-IV) (on general principles to serve as guidelines for the sharing of the costs of future peace-keeping operations involving heavy expenditures), 1875 (S-IV) (on cost estimates and financing for UNEF for the period 1 July to 31 December 1963), 1876 (S-IV) (on cost estimates and financing for ONUC for the period 1 July to 31 December 1963), 1877 (S-IV) (on payment of arrears in respect of assessed contributions to the UNEF Special Account and the *ad hoc* Account for ONUC), 1878 (S-IV) (on terms and conditions governing the issue of United Nations bonds), 1879 (S-IV) (on the establishment of a peace fund) and 1880 (S-IV) (on the continuation of the Working Group on the Examination of the Administrative and Budgetary Procedures of the United Nations), of 27 June 1963.

(B) *Other documents of legal interest*

(1) *The policies of apartheid of the Government of the Republic of South Africa*²²

Note by the Secretariat on the measures taken by Member States in pursuance of General Assembly resolution 1761 (XVII) and the Security Council resolution of 7 August 1963 (A/SPC/94): see G.A. (XVIII), Annexes, a.i.30.

(2) *The violation of human rights in South Viet-Nam*

Report of the United Nations Fact-Finding Mission to South Viet-Nam (A/5630): see G.A. (XVIII), Annexes, a.i.77.

See also decision taken by General Assembly at its 1280th plenary meeting, on 13 December 1963.

(3) *Refugees*²³

Report of the United Nations High Commissioner for Refugees: G.A. (XVIII), Suppl. No. 11 (A/5511/Rev.1) (Chapter I and Annex II: International protection).

See also General Assembly resolution 1959 (XVIII) of 12 December 1963.

(4) *Human rights*²⁴

Manifestations of racial prejudice and national and religious intolerance. Report by the Secretary-General (A/5473 and Add.1-2) (contains summaries of action taken by Member States, specialized agencies and non-governmental organizations).

(5) *Status of women*²⁵

Constitutions, electoral laws and other legal instruments relating to the political rights of women. Memorandum by the Secretary-General (A/5456 and Add.1).

(6) *International Court of Justice*²⁶

Pension scheme for members of the International Court of Justice. Report by the Secretary-General (A/C.5/973): see G.A. (XVIII), Annexes, a.i.58.

— Sixth report of the Advisory Committee on Administrative and Budgetary Questions (A/5440): *ibid.*

— Report of the Fifth Committee (A/5636): *ibid.*

See also General Assembly resolution 1925 (XVIII) of 11 December 1963 (contains text of amendments to the Pension Scheme Regulations for members of the International Court of Justice).

Election of five members of the International Court of Justice²⁷. List of candidates nominated by national groups. Note by the Secretary-General (A/5478 and Add.1-7-S/5388 and Add.1-7): see G.A. (XVIII), Annexes, a.i.15.

— Memorandum by the Secretary-General (A/5480-S/5390): *ibid.*

See also elections held on 21 October 1963 by the General Assembly at its 1249th and 1250th plenary meetings and by the Security Council at its 1071st and 1072nd meetings.

(7) *Administrative Tribunal*

Note by the Secretary-General (A/INF/103) (transmits annual note by the Administrative Tribunal to the President of the General Assembly as to the functioning of the Tribunal).

²² See also section I 6 below.

²³ See also section I 3 below.

²⁴ See also section III 3 below.

²⁵ See also section III 5 below.

²⁶ See also section V below.

²⁷ See also section II below.

(8) *Budgetary questions*

Payment of taxes by the United Nations. Note by the Secretary-General (A/C.5/1005): see G.A. (XVIII), Annexes, a.i.58.

(9) *Personnel questions*

Report of the Secretary-General (A/C.5/979) (concerns proposed changes in Staff Regulations, amendments in Staff Rules and changes in the application of particular Staff Rules): see G.A. (XVIII), Annexes, a.i.66.

See also General Assembly resolution 1929 (XVIII) of 11 December 1963.

2. COMMITTEE ON ARRANGEMENTS FOR A CONFERENCE FOR THE PURPOSE OF REVIEWING THE CHARTER²⁸

Documents relating to an agenda item of legal interest (fifth session)

Consideration of General Assembly resolution 1756 (XVII)

(a) Basic document: General Assembly resolution 1756 (XVII) of 23 October 1962.

(b) Consideration by the Sub-Committee:

(i) *statement* by the chairman (A/AC.81/SC.1/3) (on consultations held with the permanent members of the Security Council), Secretariat *memorandum* (A/AC.81/SC.1/5) (summarizes proposals in the General Assembly and the Economic and Social Council on the amendment of the Charter to enlarge the membership of certain principal organs of the United Nations), *observations* from Governments (A/AC.81/SC.1/2, 4 and 4/Add.1-11) and *report* of the Sub-Committee (A/AC.81/7) (see report of the Committee in (c) (i) below).

(ii) *debates*: A/AC.81/SC.1/SR.2 to 5.

(c) Consideration by the Committee:

(i) *proposal* (A/AC.81/L.5).—*Report* of the Committee (A/5487) (annex contains report of Sub-Committee): see G.A. (XVIII), Annexes, a.i.21.

(ii) *debates*: A/AC.81/SR.7 to 12.

3. EXECUTIVE COMMITTEE OF THE PROGRAMME OF THE UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES²⁹

Document of legal interest

International protection of refugees

International protection of refugees. United Nations Conference on Consular Relations. Resolution on Refugees. Note by the High Commissioner (A/AC.96/204 and Corr.1 [English only]).

4. COMMITTEE ON THE PEACEFUL USES OF OUTER SPACE³⁰

(i) *Documents relating to agenda items of legal interest* (fourth session)

General debate (agenda item 3) and *report of the Legal Sub-Committee on the work of its second session* (agenda item 5)

(a) Basic document: Report of the Legal Sub-Committee on the work of its second session (A/AC.105/12).

(b) General debate in the Legal Sub-Committee and consideration by the Sub-Committee of legal problems arising from the exploration and use of outer space (second session of the Sub-Committee):

(i) *note* by the Secretary-General (A/AC.105/C.2/4).—*Proposals* by the USSR (A/AC.105/L.2) (Draft declaration of the basic principles governing the activi-

²⁸ See also section I 1 (A) (i) (1) above.

²⁹ See also section I 1 (B) (3) above.

³⁰ See also section I 1 (A) (i) (6) above.

ties of States pertaining to the exploration and use of outer space), the USSR (A/AC.105/L.3) (Draft international agreement on the rescue of astronauts and spaceships making emergency landings), the United States of America (A/AC.105/L.4) (Assistance to and return of space vehicles and personnel), the United States of America (A/AC.105/L.5) (Liability for space vehicle accidents), the United Arab Republic (A/AC.105/L.6) (Draft code for international co-operation in the peaceful uses of outer space), *letter* from the Permanent Representative of the United Kingdom (A/C.1/879) (transmits draft declaration of basic principles governing the activities of States pertaining to the exploration and use of outer space) and *letter* from the representative of the United States of America (A/C.1/881) (transmits draft declaration of principles relating to the exploration and use of outer space): see G.A. (XVII), Annexes, a.i.27 [documents A/AC.105/L.2-6 are reproduced in Annex III of document A/5181].—*Proposal* by the USSR (A/AC.105/C.2/L.6) (Draft declaration of the basic principles governing the activities of States in the exploration and use of outer space) and *working paper* submitted by Belgium (A/AC.105/C.2/L.7) (on the unification of certain rules governing liability for damage caused by space devices): see G.A. (XVIII), Annexes, a.i.28 [Annex III of document A/5549].—*Report* of the Legal Sub-Committee (A/AC.105/12 and Corr.1 [English only]) (conclusions summarized in paragraph 19 of Committee's report [A/5549] mentioned in (c) (i) below).

(ii) *debates*: A/AC.105/C.2/SR.16 to 26 and 28.

(c) General debate in the Committee and consideration by the Committee of the Legal Sub-Committee's report:

(i) *report* of the Committee (A/5549): see G.A. (XVIII), Annexes, a.i.28.

(ii) *debates*: A/AC.105/PV.20 to 23.

(ii) *Documents relating to an agenda item of legal interest* (fifth session)

Consideration of working paper, "Declaration of Legal Principles Governing the Activities of States in the Exploration and Use of Outer Space" (agenda item 2)

(a) Basic document : "Declaration of Legal Principles Governing the Activities of States in the Exploration and Use of Outer Space" (text reproduced in paragraph 6 of Committee's additional report [A/5549/Add.1] mentioned in (b)(i) below).

(b) Consideration by the Committee:

(i) *additional report* of the Committee (A/5549/Add.1): see G.A. (XVIII), Annexes, a.i.28.

(ii) *debate*: A/AC.105/PV.24 (annexed to Committee's additional report [A/5549/Add.1] mentioned in (i) above).

5. SPECIAL COMMITTEE ON TERRITORIES UNDER PORTUGUESE ADMINISTRATION

Document of legal interest

Constitutional status of territories under Portuguese administration. Background paper prepared by the Secretariat (A/AC.108/L.6 and Corr.1).

6. SPECIAL COMMITTEE ON THE POLICIES OF APARTHEID OF THE GOVERNMENT OF THE REPUBLIC OF SOUTH AFRICA³¹

Document of legal interest

Repressive legislation in the Republic of South Africa (A/AC.115/L.18).

7. INTERNATIONAL LAW COMMISSION³²

(A) *Documents relating to agenda items of legal interest* (fifteenth session)

³¹ See also section I 1 (B) (1) above.

³² See also section I 1 (A) (i) (10) above. For detailed information, see *Yearbook of the International Law Commission*, 1963 (United Nations publication, Sales Nos.: 63.V.1 and 63.V.2).

- (1) *Law of treaties* (agenda item 1)
 - (a) Basic document: Second report on the law of treaties by Sir Humphrey Waldock, Special Rapporteur (A/CN.4/156 and Add.1-3).
 - (b) Consideration by the Commission:
 - (i) Secretariat memorandum (A/CN.4/154) (“Resolutions of the General Assembly concerning the law of treaties”).—*Report of the Commission: G.A. (XVIII), Suppl. No. 9 (A/5509)* (contains draft articles on the invalidity and termination of treaties).
 - (ii) *debates*: International Law Commission, 673rd to 685th, 687th to 711th, 714th, 716th to 718th and 720th mtgs.

- (2) *Question of extended participation in general multilateral treaties concluded under the auspices of the League of Nations (General Assembly resolution 1766 (XVII))* (agenda item 2)
 - (a) Basic documents: Note by the Secretariat (A/CN.4/159 and Add.1) and report by Sir Humphrey Waldock, Special Rapporteur on the law of treaties (A/CN.4/162).
 - (b) Consideration by the Commission:
 - (i) *report* of the Commission: see section (1)(b)(i) above.
 - (ii) *debates*: International Law Commission, 712th and 713th mtgs.

- (3) *State responsibility: report of the Sub-Committee* (agenda item 3)
 - (a) Basic document: Report by Mr. R. Ago, chairman of the Sub-Committee on State Responsibility (A/CN.4/152).
 - (b) Consideration by the Commission:
 - (i) *report* of the Commission (Annex I contains Mr. Ago’s report): see section (1)(b)(i) above.
 - (ii) *debate*: International Law Commission, 686th mtg.

- (4) *Succession of States and Governments: report of the Sub-Committee* (agenda item 4)
 - (a) Basic document: Report by Mr. M. Lachs, chairman of the Sub-Committee on the Succession of States and Governments (A/CN.4/160 and Corr.1).
 - (b) Consideration by the Commission:
 - (i) *report* of the Commission (Annex II contains Mr. Lachs’ report): see section (1)(b)(i) above.
 - (ii) *debate*: International Law Commission, 702nd mtg.

- (5) *Special missions* (agenda item 5)
 - (a) Basic document: Working paper prepared by the Secretariat (A/CN.4/155).
 - (b) Consideration by the Commission:
 - (i) *report* of the Commission: see section (1)(b)(i) above.
 - (ii) *debates*: International Law Commission, 711th and 712th mtgs.

- (6) *Relations between States and inter-governmental organizations* (agenda item 6)
 - (a) Basic document: First report on relations between States and inter-governmental organisations by Mr. A. El-Erian, Special Rapporteur (A/CN.4/161 and Add.1).
 - (b) Consideration by the Commission:
 - (i) *report* of the Commission: see section (1)(b)(i) above.
 - (ii) *debates*: International Law Commission, 717th and 718th mtgs.

(B) *Other documents of legal interest*

Succession of States and Governments

The succession of States in relation to membership in the United Nations. Addendum to memorandum prepared by the Secretariat (A/CN.4/149/Add.1).

Digest of decisions of national courts relating to succession of States and Governments. Study prepared by the Secretariat (A/CN.4/157).

8. UNITED NATIONS CONFERENCE ON DIPLOMATIC INTERCOURSE AND IMMUNITIES (VIENNA, 1961)

Documents of legal interest

Official records, vol. I.: Summary records of plenary meetings and of meetings of the Committee of the Whole (A/CONF.20/14-Sales No.:61.X.2) and vol. II: Annexes, Final Act, Vienna Convention on Diplomatic Relations, Optional Protocols, Resolutions (A/CONF.20/14/Add.1-Sales No.: 62.X.1)

9. UNITED NATIONS CONFERENCE ON CONSULAR RELATIONS (VIENNA, 1963)

Documents of legal interest

Collection of bilateral consular treaties. Document prepared by the Secretariat (A/CONF.25/4).

Guide to the draft articles on consular relations adopted by the International Law Commission (A/CONF.25/5).

Rules of procedure adopted by the Conference (A/CONF.25/7).

Vienna Convention on Consular Relations (A/CONF.25/12).

Final Act of the Conference (A/CONF.25/13).

Resolutions adopted by the Conference (A/CONF.25/13/Add.1).

Optional Protocol concerning acquisition of nationality (A/CONF.25/14).

Optional Protocol concerning the compulsory settlement of disputes (A/CONF.25/15).

Bibliography on consular relations prepared by the Secretariat (A/CONF.25/L.1).

II. SECURITY COUNCIL AND SUBSIDIARY ORGANS

SECURITY COUNCIL

Documents of legal interest

*Election of five members of the International Court of Justice*³³

Procedure followed in the Security Council at its 1071st meeting on 21 October 1963 in connexion with the election of five members of the International Court of Justice. Note by the Secretariat (S/5449).

— Letter from the Permanent Representative of Lebanon to the President of the Security Council (S/5445).

— Letter from the Permanent Representative of Lebanon to the Secretary-General (S/5461).

III. ECONOMIC AND SOCIAL COUNCIL AND SUBSIDIARY ORGANS

1. ECONOMIC AND SOCIAL COUNCIL AND SESSIONAL COMMITTEES

(A) (i) *Documents relating to an agenda item of legal interest* (thirty-fifth session).

Capital punishment (agenda item 11)

³³ See also section I 1 (B) (6) above.

- (a) Basic document: Note by the Secretary-General transmitting the observations and recommendations of the *Ad Hoc* Advisory Committee of Experts on the Prevention of Crime and the Treatment of Offenders (E/3724) (contains the relevant section on capital punishment of the Committee's final report): see E.S.C. (XXXV), Annexes, a.i.11.
 - (b) Consideration by the Council:
 - (i) *draft resolution* (E/L.986): see E.S.C. (XXXV), Annexes, a.i.11.
 - (ii) *debates*: E.S.C. (XXXV), 1249th to 1251st meetings.
 - (iii) *resolution adopted*: Economic and Social Council resolution 934 (XXXV) of 9 April 1963. See also General Assembly resolution 1918 (XVIII) of 5 December 1963.
- (A) (ii) *Documents relating to agenda items of legal interest* (thirty-sixth session)
- (1) *Question of procedures for the revision of the International Convention on Road Traffic and of the Protocol on Road Signs and Signals, done at Geneva, 19 September 1949* (agenda item 16).
 - (a) Basic document: Explanatory memorandum submitted by the Government of Austria (E/3800): see E.S.C. (XXXVI), Annexes, a.i.16.
 - (b) Consideration by the Council:
 - (i) *draft resolutions* (E/L.1023 and L.1028): see E.S.C. (XXXVI), Annexes, a.i.16.
 - (ii) *debate*: E.S.C. (XXXVI), 1296th mtg.
 - (iii) *resolution adopted*: Economic and Social Council resolution 967 (XXXVI) of 25 July 1963.
 - (2) *Report of the Commission on Human Rights* (agenda item 21)³⁴
 - (a) Basic document: Report of the Commission on Human Rights (nineteenth session): E.S.C. (XXXVI), Suppl. No.8 (E/3743).
 - (b) Consideration by the Social Committee:
 - (i) *draft resolutions* (E/AC.7/L.419 and L.420) and *report* of the Social Committee (E/3806): see E.S.C. (XXXVI), Annexes, a.i.21.
 - (ii) *debates*: E/AC.7/SR.470 to 474.
 - (c) Consideration by the Council:
 - (i) *debate*: E.S.C. (XXXVI), 1280th mtg.
 - (ii) *resolutions adopted*: Economic and Social Council resolutions 958 A, B, C, D, E (annex contains draft declaration on the elimination of all forms of racial discrimination), F and G (XXXVI) of 12 July 1963.
 - (3) *Report of the Commission on the Status of Women* (agenda item 22)³⁵
 - (a) Basic document: Report of the Commission on the Status of Women (seventeenth session) : E.S.C. (XXXVI), Suppl. No. 7 (E/3749).
 - (b) Consideration by the Social Committee :
 - (i) *draft resolutions* (E/AC.7/L.421, L.422 and L.423) and *report* of the Social Committee (E/3810): see E.S.C. (XXXVI), Annexes, a.i.22.
 - (ii) *debates*: E/AC.7/SR.474 to 478.
 - (c) Consideration by the Council:
 - (i) *debate*: E.S.C. (XXXVI), 1280th mtg.

³⁴ See also section III 3 below.

³⁵ See also section III 5 below.

- (ii) *resolution adopted*: Economic and Social Council resolution 961 (XXXVI) of 12 July 1963.

(4) *Slavery* (agenda item 24)

- (a) Basic document: Note by the Secretary-General on the implementation of the Supplementary Convention of 1956 on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery (E/3796 and Add.1).
- (b) Consideration by the Social Committee:
 - (i) *draft resolution* (E/AC.7/L.424 and Add. 1) and *report* of the Social Committee (E/3813): see E.S.C. (XXXVI), Annexes, a.i.24.
 - (ii) *debate*: E/AC.7/SR.480.
- (c) Consideration by the Council:
 - (i) *debate*: E.S.C. (XXXVI), 1280th mtg.
 - (ii) *resolution adopted*: Economic and Social Council resolution 960 (XXXVI) of 12 July 1963.

(B) *Other document of legal interest*

Permanent sovereignty over natural wealth and resources
Report of the Secretary-General (E/3840).

2. COMMITTEE FOR INDUSTRIAL DEVELOPMENT

Document of legal interest

Interim report by the Secretariat on the role of patents in the transfer of technology to under-developed countries (E/C.5/35).

3. COMMISSION ON HUMAN RIGHTS³⁶

(A) *Documents relating to agenda items of legal interest* (nineteenth session)

- (1) *Study of the right of everyone to be free from arbitrary arrest, detention and exile, and draft principles on freedom from arbitrary arrest and detention* (agenda item 4)
 - (a) Basic documents: Report of the Committee on the right of everyone to be free from arbitrary arrest, detention and exile (E/CN.4/826 and Corr.1-2) and comments by Governments on the draft principles (E/CN.4/835 and Add.1-6, Add.6/Corr.1 and Add.7).
 - (b) Consideration by the Commission:
 - (i) *draft resolution* (E/CN.4/L.670/Rev.1) and *resolution adopted* (2 (XIX)): see *report* of the Commission: E.S.C. (XXXVI), Suppl. No.8 (E/3743).
 - (ii) *debate*: E/CN.4/SR.770.
- (2) *Prevention of discrimination and protection of minorities*:
 - ...
 - b. *Draft principles on freedom and non-discrimination in the matter of political rights*;
 - c. *Report of the fifteenth session of the Sub-Commission on Prevention of Discrimination and Protection of Minorities*;
 - ... (agenda item 6)
 - b. *Draft principles on freedom and non-discrimination in the matter of political rights*

³⁶ See also sections I 1 (A) (i) (7) and (8), I 1 (B) (4) and III 1 (A) (ii) (2) above.

- (a) Basic documents: Report of the Sub-Commission on Prevention of Discrimination and Protection of Minorities (fourteenth session) (E/CN.4/830) (para. 159 contains text of draft principles) and comments by Governments (E/CN.4/837 and Add.1-7) and by non-governmental organizations (E/CN.4/845 and Add.1).
 - (b) Consideration by the Commission:
 - (i) *resolution adopted* (3(XIX)): see *report* of the Commission: E.S.C. (XXXVI), Suppl. No.8 (E/3743).
 - (ii) *debate*: E/CN.4/SR.770.
- c. *Report of the fifteenth session of the Sub-Commission on Prevention of Discrimination and Protection of Minorities*
 - (a) Basic document: Report of the Sub-Commission on Prevention of Discrimination and Protection of Minorities (fifteenth session) (E/CN.4/846 and Corr.1).
 - (b) Consideration by the Commission of the question of discrimination in respect of the right of everyone to leave any country, including his own, and to return to his country:
 - (i) *draft resolution* (E/CN.4/L.672) and *resolution adopted* (4(XIX)): see *report* of the Commission: E.S.C. (XXXVI), Suppl. No.8 (E/3743).
 - (ii) *debate*: E/CN.4/SR.770.
- (3) *Draft declaration and draft convention on the elimination of all forms of racial discrimination* (agenda item 12)
 - (a) Basic documents: Report of the Sub-Commission on Prevention of Discrimination and Protection of Minorities (fifteenth session) (E/CN.4/846 and Corr.1) (para. 210 contains text of draft declaration), notes by the Secretary-General (E/CN.4/841 and Add.1) and comments by UNESCO (E/CN.4/853) and the ILO (E/CN.4/854).
 - (b) Consideration by the Commission:
 - (i) *draft resolutions* (E/CN.4/L.635 and Corr.1-2, L.636, L.637, L.638, L.639, L.658, L.659 and Rev.1, L.660 and Rev.1, L.661 and Corr.1, L.663, L.664, L.665, L.666, L.668 and L.669), *draft declaration* adopted by Working Group (E/CN.4/L.655 and Corr.1-2) and *resolution adopted* (9(XIX)): see *report* of the Commission: E.S.C. (XXXVI), Suppl. No.8 (E/3743).
 - (ii) *debates*: E/CN.4/SR.740 to 744 and 757 to 767.
- (4) *Draft declaration and draft convention on the elimination of all forms of religious intolerance* (agenda item 13)
 - (a) Basic documents: Report of the Sub-Commission on Prevention of Discrimination and Protection of Minorities (fifteenth session) (para. 221) (E/CN.4/846 and Corr.1), notes by the Secretary-General (E/CN.4/842 and Add.1) and comments by specialized agencies (E/CN.4/852 and Add.1).
 - (b) Consideration by the Commission:
 - (i) *draft resolution* (E/CN.4/L.676) and *resolution adopted* (10(XIX)): see *report* of the Commission: E.S.C. (XXXVI), Suppl. No.8 (E/3743).
 - (ii) *debates*: E/CN.4/SR.768 and 769.
- (5) *Draft International Covenants on Human Rights: proposals relating to an article on the rights of the child* (agenda item 14)
 - (a) Basic documents: Note by the Secretary-General (E/CN.4/843) and comments by Governments (E/CN.4/850 and Add.1-9) and by specialized agencies (E/CN.4/851 and Add.1).

- (b) Consideration by the Commission:
 - (i) *draft resolutions* (E/CN.4/L.649, L.650 and L.651) and *resolution adopted* (11(XIX)): see *report* of the Commission: E.S.C. (XXXVI), Suppl. No.8 (E/3743).
 - (ii) *debate*: E/CN.4/SR.749 to 752.
 - (B) *Other document of legal interest*
 - Prevention of discrimination and protection of minorities*
 - Study of discrimination in the matter of political rights, by H. Santa Cruz, Special Rapporteur of the Sub-Commission (E/CN.4/Sub.2/213/Rev.1-Sales No.: 63.XIV.2).
4. SOCIAL COMMISSION
- Document of legal interest*
- Prevention of crime and treatment of offenders*
- Report of the *Ad Hoc* Advisory Committee of Experts on the Prevention of Crime and the Treatment of Offenders, 7-16 January 1963 (E/CN.5/371).
5. COMMISSION ON THE STATUS OF WOMEN³⁷
- (A) *Documents relating to an agenda item of legal interest* (seventeenth session)
- Status of women in private law:*
- a. *Draft Recommendation on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages;*
 - ... (agenda item 7)
 - (a) Basic document: Memorandum by the Secretary-General (E/CN.6/414) (Annex I contains text of draft Recommendation).
 - (b) Consideration by the Commission:
 - (i) *draft resolution* (E/CN.6/L.391) and *resolution adopted* (13(XVII)): see *report* of the Commission: E.S.C. (XXXVI), Suppl. No. 7 (E/3749).
 - (ii) *debates*: E/CN.6/SR.407 and 408.
- (B) *Other document of legal interest*
- Dissolution of marriage, annulment of marriage and judicial separation. Report by the Secretary-General (E/CN.6/415).
6. COMMISSION ON NARCOTIC DRUGS
- Documents of legal interest*
- (1) *Status of multilateral narcotics treaties*
 - Report of the Division of Narcotic Drugs (E/CN.7/434/Add.3).
 - (2) *1953 Protocol*
 - Preparations for the implementation of the 1953 Protocol. Note by the Secretary-General (E/CN.7/451 and Corr.1).
 - (3) *1961 Single Convention*
 - Draft Administrative Guide (E/CN.7/438).
 - Preparations for the coming into force of the Single Convention on Narcotic Drugs, 1961. Procedure for election of the members of the International Narcotics Control Board (E/CN.7/448).
 - I. Form and dates of information to be furnished to the Secretary-General.
 - II. Form of import certificate (E/CN.7/449).

³⁷ See also sections I 1 (B) (5) and III 1 (A) (ii) (3) above.

7. ECONOMIC COMMISSION FOR AFRICA

Documents of legal interest

(1) *African Electric Power Meeting*

Legal aspects of hydro-electric development of rivers and lakes of common interest. Note by the Secretariat (E/CN.14/EP/17).

(2) *African Development Bank*

The Conference of Finance Ministers on the Establishment of an African Development Bank and its preparatory meeting. By the Executive Secretary (E/CN.14/FMAB/39) (contains final act of Conference).

(3) *Standing Committee on Trade*

Bilateral trade and payments agreements in Africa (E/CN.14/STC/24 and Corr.1).

8. UNITED NATIONS CONFERENCE ON OLIVE OIL (GENEVA, 1963)

Documents of legal interest

Rules of procedure (E/CONF.45/2 and Corr.1)

International Olive Oil Agreement 1963. Text adopted at the final plenary session held at Geneva on 20 April 1963 (E/CONF.45/4 and Corr.1).

International Olive Oil Agreement 1963: resolutions. Text adopted at the final plenary session held at Geneva on 20 April 1963 (E/CONF.45/5).

9. UNITED NATIONS SUGAR CONFERENCE (LONDON, 1963)

Documents of legal interest

Protocol for the prolongation of the International Sugar Agreement of 1958. Adopted on 4 July 1963 (E/CONF.48/2).

Final resolution adopted on 4 July 1963 (E/CONF.48/3).

IV. SECRETARIAT³⁸

BUREAU OF TECHNICAL ASSISTANCE OPERATIONS

Human rights seminars

1962 Seminar on freedom of information. New Delhi, 20 February—5 March 1962. Organized by the United Nations in co-operation with the Government of India (ST/TAO/HR/13).

1963 Seminar on the role of the police in the protection of human rights. Canberra, 29 April—13 May 1963. Organized by the United Nations in co-operation with the Government of Australia (ST/TAO/HR/16 and Corr.1).

V. INTERNATIONAL COURT OF JUSTICE³⁹

1. GENERAL

Yearbook, 1962-1963. [1963]. V, 327 pp. Printed. Sales No. 278. Bibliography, pp. 153-230.

2. REPORTS OF JUDGEMENTS, ADVISORY OPINIONS AND ORDERS

Reports of Judgements, Advisory Opinions and Orders, 1963. Case concerning the Northern Cameroons (Cameroon v. United Kingdom). Order of 11 January 1963. [1963]. [3-4], 2, 2 pp. Printed. Sales No. 272.

³⁸ The recurrent publications of the Office of Legal Affairs are not listed in this section; see the *United Nations Documents Index*, published by the Dag Hammarskjöld Library, United Nations.

³⁹ See also section I 1 (B) (6) above. For detailed information, see *Yearbook of the International Court of Justice*, 1962-1963 and 1963-1964.

— . South West Africa Cases (Ethiopia v. South Africa; Liberia v. South Africa). Order of 5 February 1963. [1963]. [6-7], 2, 2 pp. Printed. Sales No. 273.

— . Case concerning the Barcelona Traction, Light and Power Co., Ltd. (New Application: 1962) (Belgium v. Spain). Order of 16 March 1963. [1963]. [9-10], 2, 2 pp. Printed. Sales No. 275.

— . South West Africa Cases (Ethiopia v. South Africa; Liberia v. South Africa). Order of 18 September 1963. [1963]. [12-13], 2, 2 pp. Printed. Sales No. 279.

— . Case concerning the Northern Cameroons (Cameroon v. United Kingdom). Preliminary objections. Judgement of 2 December 1963. [1963]. [15-196], 185, 185 pp. Printed. Sales No. 280.

— . Index. [1964]. 15 pp. Printed. Sales No. 282.

Reports of Judgements, Advisory Opinions and Orders, 1963. [1964]. 196, 196 pp. + 15 pp. Printed. Sales Nos. 272, 273, 275, 279, 280 and 282. Bound volume containing all decisions rendered in 1963, with index.

3. PLEADINGS, ORAL ARGUMENTS, DOCUMENTS

(1) *Case concerning Right of Passage over Indian Territory*

Pleadings, Oral Arguments, Documents, 1960. Case concerning Right of Passage over Indian Territory (Portugal v. India). Vol. IV. Oral Arguments (Preliminary objection and merits). [1963]. viii, 12, 12, 868 pp. Printed. Sales No. 271.

(2) *Case concerning the Arbitral Award made by the King of Spain on 23 December 1906*

Pleadings, Oral Arguments, Documents, 1960. Case concerning the Arbitral Award made by the King of Spain on 23 December 1906 (Honduras v. Nicaragua). Vol. II. Oral Arguments. Correspondence. Index. [1963]. ii, 11, 11, 538 pp., map. Printed. Sales No. 268.

B. Legal Documents Index of the Inter-Governmental Organizations Related to the United Nations

I. INTERNATIONAL LABOUR ORGANISATION

(A) REPRESENTATIVE ORGANS

(1) INTERNATIONAL LABOUR CONVENTIONS AND RECOMMENDATIONS ADOPTED IN 1963¹

(a) *Convention and Recommendation concerning the guarding of machinery*

- (i) Agenda of the forty-sixth (1962) session of the International Labour Conference, Minutes of the 147th session of the Governing Body, Geneva, November 1960, pp. 13-20. English, French, Spanish.
- (ii) Prohibition of the sale, hire and use of inadequately guarded machinery, International Labour Conference, forty-sixth session, 1962, Report VI (1) and Report IV (2), 38 and 98 pp. English, French, Spanish, German, Russian.
- (iii) Prohibition of the sale, hire and use of inadequately guarded machinery, International Labour Conference, forty-sixth session, 1962, Record of proceedings, pp. 493-504 and 779-787. English, French, Spanish.
- (iv) Prohibition of the sale, hire and use of inadequately guarded machinery, International Labour Conference, forty-seventh session, 1963, Report IV (1) and Report IV (2), 34 and 69 pp. English, French, Spanish, German, Russian.
- (v) Prohibition of the sale, hire and use of inadequately guarded machinery, International Labour Conference, forty-seventh session, 1963, Record of proceedings, pp. 304-308, 566-575. English, French, Spanish.

¹ For convenience of reference all the preparatory work of such instruments, which normally covers a period of two years, will be given in the year in which the instrument is adopted.

- (vi) Convention concerning the guarding of machinery, *Official Bulletin*, vol. XLVI, No. 3, July 1963, Supp. 1, pp. 1-7. English, French, Spanish.
- (vii) Recommendation concerning the guarding of machinery, *Official Bulletin*, vol. XLVI, No. 3, July 1963, Supp. 1, pp. 8-11. English, French, Spanish.
- (b) *Recommendation concerning termination of employment at the initiative of the employer*
 - (i) Agenda of the forty-sixth (1962) session of the International Labour Conference, Minutes of the 147th session of the Governing Body, Geneva, November 1960, p. 18. English, French, Spanish.
 - (ii) Termination of employment (dismissal and lay-off), International Labour Conference, forty-sixth session, 1962, Reports VII (1) and VII (2), 71 and 210 pp. English, French, Spanish, German, Russian.
 - (iii) Termination of employment (dismissal and lay-off), International Labour Conference, forty-sixth session, 1962, Record of proceedings, pp. 438-441, 445-6, 476-482, 484-492, 788-799. English, French, Spanish.
 - (iv) Termination of employment at the initiative of the employer, International Labour Conference, forty-seventh session, 1963, Report V (1) and Report V (2), 39 and 47 pp. English, French, Spanish, German, Russian.
 - (v) Termination of employment at the initiative of the employer, International Labour Conference, forty-seventh session, 1963, Record of proceedings, pp. 363-379, 578-591. English, French, Spanish.
 - (vi) Recommendation concerning termination of employment at the initiative of the employer, *Official Bulletin*, vol. XLVI, No. 3, July 1963, Supp. 1, pp. 12-16. English, French, Spanish.

(2) STANDING ORDERS QUESTIONS

- (a) *Procedure for the consideration of resolutions relating to matters not included in an item on the agenda of the International Labour Conference*
 - (i) Minutes of the 153rd session of the Governing Body, November 1962, pp. 42-3, 89-91. English, French, Spanish.
 - (ii) Document G.B. 154/S.C./D.1/2 (mimeographed), 4 pp., 15 February 1963. English, French, Spanish.
 - (iii) Minutes of the 154th session of the Governing Body, March 1963, pp. 62 and 122-123. English, French, Spanish.
 - (iv) International Labour Conference, forty-seventh session (1963), Record of proceedings, pp. 342-9 and 478-481. English, French, Spanish.
 - (v) Amendments to articles 4, 17, 25, 55 and 62 and 64 of the Standing Orders of the Conference, *Official Bulletin*, vol. XLVI, No. 3, July 1963, Supp. 1, pp. 21-25. English, French, Spanish.
- (b) *Amendment of article 11 of the Standing Orders of the Governing Body following the coming into force of the Final Articles Revision Convention, 1961*
 - (i) Document G.B. 154/S.C./D.1/2 (mimeographed), 3 pp., 15 February 1963. English, French, Spanish.
 - (ii) Minutes of the 154th session of the Governing Body, March 1963, pp. 62, 123. English, French, Spanish.
- (c) *Revision of the Standing Orders for Industrial Committees*
 - (i) Document G.B. 154/S.C./D.3/1 (mimeographed) and Annexes, 12 February 1963. English, French, Spanish. 36 pp.
 - (ii) Minutes of the 154th session of the Governing Body, March 1963, pp. 60-62-113. English, French, Spanish.
 - (iii) "Industrial and Analogous Committees:
 - I. Introductory Note on the International Labour Organisation.
 - II. Purposes and Functions of the Committee.

III. Standing Orders".

Geneva, I.L.O., 1963. English, French, Spanish, German, Russian.

- (d) *Periodicity of the Conference. Rules governing the calculation of the quorum.* Report of the Committee to Consider the Improvement of the Practical Methods of Working of the International Labour Conference. Minutes of the 153rd session of the Governing Body, November 1962, pp. 40-44 and 89-92. English, French, Spanish.
- (3) RESOLUTION CONCERNING THE STATUTE OF THE INTERNATIONAL CENTRE FOR ADVANCED TECHNICAL AND VOCATIONAL TRAINING, ADOPTED BY THE GOVERNING BODY ON 31 MAY 1963. *Official Bulletin*, vol. XLVI, No. 3, July 1963. English, French, Spanish.

(B) QUASI-JUDICIAL BODIES AND COMMITTEES OF EXPERTS

- (1) Report of the Commission appointed under article 26 of the Constitution of the International Labour Organisation to examine the complaint filed by the Government of Portugal concerning the observance by the Government of Liberia of the Forced Labour Convention, 1930 (No. 29), 4 February 1963, *Official Bulletin*, vol. XLVI, No. 2, April 1963, Supp. II, 181 pp. English, French, Spanish.
- (2) Reports of the Governing Body Committee on Freedom of Association:
- (a) 67th and 68th Reports, November 1962 and 25 February 1963, *Official Bulletin*, vol. XLVI, No. 2, April 1963, Supp. I, 98 pp. English, French, Spanish.
- (b) 69th, 70th and 71st Reports, 25 February 1963, 29 May 1963 and 29 May 1963, *Official Bulletin*, vol. XLVI, No. 3, July 1963, Supp. II, 104 pp. English, French, Spanish.
- (c) 72nd Report, 7 November 1963, *Official Bulletin*, vol. XLVII, No. 1, January 1964, Supp. I, 42 pp. English, French, Spanish.
- (3) Report of the Committee of Experts on the Application of Conventions and Recommendations, International Labour Conference, 47th session, 1963, Report III (Part IV), 262 pp. English, French, Spanish.

(C) REPORT OF THE DIRECTOR-GENERAL OF THE INTERNATIONAL LABOUR OFFICE ON THE PROGRAMME AND STRUCTURE OF THE I.L.O.

International Labour Conference, forty-seventh session, Geneva 1963. 206 pp. Report I. English, French, Spanish, German, Russian.

II. FOOD AND AGRICULTURE ORGANIZATION OF THE UNITED NATIONS²

(A) DOCUMENTS CONCERNING PROPOSED OR EXISTING AGREEMENTS UNDER THE AUSPICES OF F.A.O.

<i>Agreements</i>	<i>Documents</i>
(1) Establishment of the Desert Locust Control Organization for Eastern Africa within the Framework of FAO. ³	C 63/49 Conf. Rep. paras. 536 <i>et seq.</i> , Res. 45/63
(2) Agreement for the Establishment of a General Fisheries Council for the Medi-	CL Rep. 40th sess., paras. 143 <i>et seq.</i> C 63/46

² Unless indicated otherwise, all documents cited have been issued in English, French and Spanish. "Conf. Rep." refers to the Provisional Report of the 12th session of the FAO Conference. "CL Rep. 40th sess" refers to the Provisional Report of the 40th session of the FAO Council.

³ Proposed Agreement under article XV of the FAO Constitution.

<i>Agreements</i>	<i>Documents</i>
terranean (Amendments to Agreement and Rules of Procedure) ⁴	Conf. Rep. paras. 500 <i>et seq.</i> , Res. 39/63
(3) Agreement for the Establishment of a Commission for Controlling the Desert Locust in the Eastern Region of its Distribution Area in South West Asia ⁵	CL Rep. 40th sess., paras. 155 <i>et seq.</i> C. 63/50 Conf. Rep. paras. 516 <i>et seq.</i> , Res. 44/63
(4) Statutory Report on the Status of Conventions and Agreements and on Amendments thereto	C 63/46 Conf. Rep. paras. 495 <i>et seq.</i>

(B) STATUTES AND RULES OF PROCEDURE OF BODIES ESTABLISHED UNDER ARTICLE VI OF THE FAO CONSTITUTION

<i>Body</i>	<i>Documents</i>
(1) African Regional Commission on Agricultural Statistics: Statutes	CL 40/17, paras. 12-17 (and Draft Res.) CL Rep. 40th sess., paras. 162 <i>et seq.</i> , CL Res. 4/40
(2) Asia and Far East Regional Commission on Agricultural Statistics: Establishment and Statutes	Conf. Rep. para. 511, Res. 41/63
(3) Near East Regional Commission on Agricultural Statistics: Statutes	CL 40/17, paras. 12-17 (and Draft Res.) CL Rep. 40th sess., paras. 158 <i>et seq.</i> , CL Res. 3/40
(4) Near East Commission on Agricultural Planning: Statutes	CL Rep. 40th sess., paras. 126 <i>et seq.</i> , CL Res. 2/40
(5) Near East Plant Protection Commission: Establishment and Statutes	C 63/47, paras. 2 <i>et seq.</i> , App. I Conf. Rep. para. 510, Res. 40/63
(6) European Commission on Agriculture: Amendment to Rules of procedure	C 63/47, para. 8, App. III Conf. Rep. para. 504
(7) Advisory Committee on Marine Resources Research: Rules of procedure	C 63/47, para. 7, App. II Conf. Rep. paras. 502 <i>et seq.</i>
(8) Codex Alimentarius Commission: Amendment to Statutes and (provisional) confirmation of Rules of procedure	C 63/47 Sup.1 Conf. Rep. paras. 505 <i>et seq.</i>
(9) Working Party for Rational Utilization of Tuna Resources in the Atlantic Ocean: Statutes	CL 40/12 CL Rep. 40th sess., paras. 109 <i>et seq.</i> , CL Res. 1/40
(10) Statutes and Rules of procedure: Article VI bodies	C 63/47 C 63/47 Sup. 1 Conf. Rep. paras. 501 <i>et seq.</i>

(C) CONFERENCE DECISIONS ON SUBSTANTIVE LEGAL QUESTIONS

<i>Questions</i>	<i>Documents</i>
(1) Agrarian law	Conf. Rep. paras. 311 <i>et seq.</i> , Res. 17/63
(2) Integrated land reform	Conf. Rep. paras. 304 <i>et seq.</i> , Res. 15/63

⁴ Came into force on 3 December 1963, date of approval by FAO Conference.

⁵ Not yet in force.

Questions

Documents

- | | |
|---|---|
| (3) Strengthening of activities in the interest of indigenous populations with respect to land tenure arrangements and new settlement areas | Conf. Rep. paras. 316 <i>et seq.</i> , Res. 18/63 |
| (4) Freedom from Hunger and the Universal Declaration of Human Rights | Conf. Rep. para. 118, Res. 5/63 |
| (5) Action by the FAO Conference regarding proposal to amend Constitution to provide for the possibility of expelling a Member Nation | C 63/1-Add.1; C 63/LIM/11
C 63/LIM/12
C 63/REP/6
Conf. Rep. paras. 476-480 |
| (6) Action by the FAO Conference regarding exclusion of a Member Nation from participating in activities on the regional level | C 63/LIM/82 Conf. Rep. para. 494, Res. 38/63 |

(D) LEGISLATION AND COMPARATIVE STUDIES⁶

(1) *Periodicals*

Quarterly "Food and Agricultural Legislation" (Four issues 1963). English, French, Spanish.
Monthly Legislative Report (January-December 1963). English.
Current Food Additives Legislation Bulletin (Ten issues 1963). English, French, Spanish.

(2) *Other documents and publications*

"Groundwater legislation in Europe", 117 pp. (Working paper for 5th sess., Sub-Commission on Land and Water Use, ECA). English, French.

"Informe del curso de capacitación de profesionales en reforma agraria, Santiago de Chile", 297 pp. (Vol. II of: "Aspectos jurídicos e institucionales de la reforma agraria", by Pedro Moral López). Spanish.

"Basic legislation governing land reform since 1961" (In "Information on land reform, land settlement and co-operatives"). English, French, Spanish.

"Existing regulations for sardine fishing", 24 pp. (In "Studies and Rev. gen. Fish. Coun. Medit."). English, French.

"Standards and requirements for fish handling, processing, distribution and quality control", by D. D. Tapiador and J.E. Carroz, 249 pp. (FAO Fisheries Report, vol. 9). English.

"Animal feedstuffs—Regulations governing their manufacture and sale in European countries", by R. Ricard and M.H. French, 209 pp. English, French, Spanish.

III. UNITED NATIONS EDUCATIONAL, SCIENTIFIC AND CULTURAL ORGANIZATION

(A) CONSTITUTIONAL QUESTIONS

- (1) "Methods of work of the Organization." *Document 65 EX/25*, Paris, 8 April 1963, 15 pp. English, French, Russian, Spanish.
- (2) "Functions and responsibilities of the organs of UNESCO". *65 EX/Decision 5.1*, May 1963. English, French, Russian, Spanish.
- (3) "*Ad hoc* Committee on the functions and responsibilities of the organs of UNESCO. Working paper by the Chairman of the Executive Board." *Document 66 EX/Ad hoc/2*, Paris, 30 July 1963, 45 pp. English, French, Russian, Spanish.

⁶ Prepared by or in co-operation with the Legislation Research Branch, FAO.

- (4) "Ad hoc Committee on the functions and responsibilities of the organs of UNESCO. Suggestions by members of the Executive Board." *Document 66 EX/Ad hoc/3*, Paris, 23 July 1963, 8 pp. English, French, Russian, Spanish.
- (5) "Ad hoc Committee on the functions and responsibilities of the organs of UNESCO. First Report". *Document 66 EX/41*, Paris, 14 October 1963, 9 pp. English, French, Russian, Spanish.
- (6) "First report of the Ad hoc Committee on the functions and responsibilities of the organs of UNESCO". *66 EX/Decision 4.7.2*, November 1963. English, French, Russian, Spanish.

(B) AGREEMENTS WITH OTHER ORGANIZATIONS

- (1) "Communication from the Secretary-General of the Organization for Economic Co-operation and Development." *65 EX/Decision 7.6*, May 1963. English, French, Russian, Spanish.
- (2) "Draft Agreement with the Organization for Economic Co-operation and Development." *Document 66 EX/23*, Paris, 5 August 1963, 3 pp. English, French, Russian, Spanish.
- (3) "Draft Agreement with the Organization for Economic Co-operation and Development." *66 EX/Decision 6.3*, November 1963. English, French, Russian, Spanish.

(C) PROCEDURAL QUESTIONS

- (1) "Preliminary exchange of views on the need for a more precise formulation of the terms of the Constitution of UNESCO, the Rules of Procedure of the General Conference and the Financial Regulations in respect of General Conference decisions on important financial questions." *65 EX/Decision 6.2*, May 1963. English, French, Russian, Spanish.
- (2) "Consideration of amendments which might be made to the Rules of Procedure and the Financial Regulations in order to fix the majority required for the adoption of draft resolutions of a budgetary or financial nature which are of special importance." *Document 66 EX/25*, Paris, 12 July 1963, 10 pp. English, French, Russian, Spanish.
- (3) "Amendments to the Financial Rules". *Document 66 EX/31*, Paris, 16 August 1963, 5 pp. English, French, Russian, Spanish.
- (4) "Consideration of amendments which might be made to the Rules of Procedure of the General Conference and Financial Regulations in order to fix the majority required for the adoption of draft resolutions of a budgetary or financial nature which are of special importance." *66 EX/Decision 7.1*, November 1963. English, French, Russian, Spanish.

(D) CONVENTIONS AND RECOMMENDATIONS

- (1) "International standardization of statistics relating to book production and periodicals" (Preliminary report). *Document UNESCO/SS/37*, Paris, 28 June 1963, 22 pp. English, French, Russian, Spanish.
- (2) "Means of prohibiting the illicit export, import and sale of cultural property" (Preliminary report). *Document UNESCO/CUA/123*, Paris, 15 July 1963, 16 pp. English, French, Russian, Spanish.
- (3) "Study on the possibility and advisability of improving the comparability and equivalence of matriculation certificates, diplomas and degrees current in the various countries, with a view to the preparation of an international convention on the subject." *65 EX/Decision 9.3*, May 1963. English, French, Russian, Spanish.
- (4) "Study on the possibility and advisability of improving the comparability and equivalence of matriculation certificates, diplomas and degrees." *Document 66 EX/7*, Paris, 22 August 1963, 8 pp. English, French, Russian, Spanish.
- (5) "Study on the possibility and advisability of improving the comparability and equivalence of matriculation certificates, diplomas and degrees". *66 EX/Decision 4.2.5*, November 1963. English, French, Russian, Spanish.

- (6) "Study of measures for the preservation of monuments through the establishment of an international fund or by any other appropriate means." *Document 65 EX/9*, Paris, 22 March 1963, 8 pp. English, French, Russian, Spanish.
- (7) "Study of measures for the preservation of monuments through the establishment of an international fund or by any other appropriate means." *65 EX/Decision 4.4.1*, May 1963. English, French, Russian, Spanish.

(E) INSTITUTES, CENTRES AND OTHER BODIES

- (1) "A project for the establishment of a Latin American school building Centre." *Document 66 EX/36 Add.*, Paris, 4 October 1963, 5 pp. English, French, Russian, Spanish.
- (2) "Project for the establishment of a Latin American regional school building Centre." *66 EX/Decision 4.2.10*, November 1963. English, French, Russian, Spanish.
- (3) "Draft statutes of the International Committee of Experts on Literacy." *Document 65 EX/21*, Paris, 22 March 1963, 4 pp. English, French, Russian, Spanish.
- (4) "Approval of the Statutes of the International Committee of Experts on Literacy." *65 EX/Decision 4.2.5*, May 1963. English, French, Russian, Spanish.
- (5) "Statutes of the International Committee of Experts on Literacy". *65 EX/Decisions, Annex II*. English, French, Russian, Spanish.
- (6) "Amendment to the Statutes of the Inter-governmental Advisory Committee on the Extension and Improvement of Primary Education in Latin America." *Document 65 EX/5*, Paris, 22 March 1963, 2pp. English, French, Russian, Spanish.
- (7) "Proposals to modify the Statutes of the Inter-governmental Advisory Committee on the Major Project on the Extension and Improvement of Primary Education in Latin America." *65 EX/Decision 4.2.4*, May 1963. English, French, Russian, Spanish.
- (8) "Statutes of the Inter-governmental Advisory Committee on the Extension and Improvement of Primary Education in Latin America." *Document 65 EX/Decisions, Annex I*. English, French, Russian, Spanish.
- (9) "Agreement between UNESCO and the Government of Mexico concerning the Establishment and Maintenance in Mexico of a Regional School Building Centre for Latin America." 24 September 1963. English, French, Spanish.

(F) OTHERS

- (1) "Meeting of Member States and Associate Members of the United Nations Educational, Scientific and Cultural Organization prepared to make voluntary contributions towards the execution of the project to save the Abu Simbel Temples, Final Act." Cairo, 9 November 1963, 23 pp. English, French, bilingual edition.
- (2) "Agreement (with Annex) concerning the voluntary contributions to be given for the execution of the project to save the Abu Simbel Temples." Cairo, 9 November 1963, 31 pp. English, French, Russian and Spanish, quadrilingual edition.
- (3) "Agreement between UNESCO and the Government of the United Arab Republic concerning the salvage of the Abu Simbel Temples." Cairo, 9 November 1963, 23 pp. English, French and Arabic, trilingual edition.
- (4) "Agreement between UNESCO and the Government of Sweden regarding Sweden's voluntary contribution to education of women and girls in Africa." Paris, 19 November 1963. English.

IV. INTERNATIONAL CIVIL AVIATION ORGANIZATION

- (1) *Trilingual text of the Convention on International Civil Aviation*

[The text of the Convention on International Civil Aviation, as signed at Chicago on 7 December 1944, was in the English language. The final provisions of the Convention contemplate the preparation of a further text "drawn up in the English, French and Spanish languages, each of which shall

be of equal authenticity.” Such a text has never been drawn up. At the request of the ICAO Assembly, the Council is studying this matter.]

C-WP/3807, 28/5/63, English—Working Group on the Trilingual Text of the Chicago Convention. Report (16 pp.).

Doc. 8343-5, C/945-5, 9/8/63, English—Council, Forty-ninth session, Minutes of fifth meeting, 19 June 1963, pp. 65, 74-76 (paras. 6, 43-54).

Doc. 8352, C/947—Action of the Council, Forty-ninth session (Montreal, 4-26 June 1963), English, French, Spanish, pp. 19-20.

C-WP/3907, 29/11/63, English, French, Spanish—Subject No. 27.2: Preparation of authentic trilingual text of the Chicago Convention. Second Working Group on the Trilingual Text of the Chicago Convention. First report (20 pp.).

Doc. 8373-14, C/948-14, 21/2/64, English—Council, Fiftieth session, Minutes of fourteenth meeting, 16 December 1963, pp. 213, 232 (paras. 7, 114-117).

(2) *Status in ICAO of the Federation of Malaysia*

[The Federation of Malaysia informed ICAO that it was the successor to Malaya, and thus a Member of ICAO. The Council noted that the Secretary-General would notify Contracting States that with effect from 16 September 1963 the Federation of Malaysia was a party to the Convention on International Civil Aviation and a member of ICAO.]

C-WP/3881, 1/11/63, English, French, Spanish—Subject No.38: External relations policy. Federation of Malaysia (3 pp.) and Corrigendum (1 p.).

Doc. 8373-9 (Closed), C/948-9, 21/2/64, English—Council, Fiftieth session, Minutes of ninth meeting, 27 November 1963, pp. 124, 125-126 (paras. 1, 6-9).

(3) *Establishment and maintenance of the list of arbitrators referred to in article 85 of the Convention on International Civil Aviation*

[On the basis of names suggested to it by States, the Council, on 29 November 1963, established a list of arbitrators referred to in article 85 of the Convention on International Civil Aviation.]

C-WP/3804, 24/5/63, English—Subject No. 26: Settlement of disputes between Contracting States. List of arbitrators or umpires (3 pp.).

Doc. 8343-3 (Open), C/945-3, 2/7/63, English—Council, Forty-ninth session, Minutes of third meeting, 11 June 1963, pp. 33, 39-40 (paras. 8, 33-45).

Doc. 8352, C/947—Action of the Council, Forty-ninth session (Montreal, 4-26 June 1963), English, French, Spanish, p. 19.

C-WP/3856, 18/10/63, English, French, Spanish—Subject No. 26: Settlement of disputes between Contracting States. List of arbitrators or umpires (53 pp.).

Doc. 8373-10, C/948-10, 25/2/64, English—Council, Fiftieth session, Minutes of tenth meeting, 29 November 1963, pp. 142, 146-148 (paras. 4, 26-39).

(4) *International Conference on Air Law (Tokyo, 1963)*

[In 1962, the ICAO Council decided to convene an International Conference on Air Law to consider a draft convention on offences and certain other acts occurring on board aircraft.⁷ Further discussions concerning this Conference took place in the Council in 1963.]

C-WP/3741, 28/2/63, English, French, Spanish—Subject No. 12.5: Plans for legal meetings. Site of the Diplomatic Conference in 1963 (3 pp.).

Doc. 8331-2, C/943-2, 20/5/63, English—Council, Forty-eighth session, Minutes of second meeting, 13 March 1963, pp. 17, 23-29 (paras. 5, 29-60).

Doc. 8331-3, C 943-3, 20/5/63, English—Council, Forty-eighth session, Minutes of third meeting, 15 March 1963, pp. 32-33 (paras. 1, 4-8).

⁷ The text of the Convention as adopted by the Conference is reproduced in this *Yearbook*, p. 136.

C-WP/3784, 10/4/63, English—Subject No. 12.5: Plans for legal meetings. Site of the Diplomatic Conference in 1963 (3 pp.)

Doc. 8331-14 (Open) C/943-14 (Open), 15/8/63, English—Council, Forty-eighth session Minutes of fourteenth meeting, 11 April 1963, pp. 200, 201-204 (paras. 2, 8-18).

Doc. 8351, C/946—Action of the Council, Forty-eighth session (Montreal, 11 March—18 April 1963), English, French, Spanish, pp. 11-12.

C-WP/3871, 24/10/63, English, French, Spanish—Subject No. 16: Legal work of the Organization. Tokyo Conference (5 pp.).

Doc. 8373-5 (Open) C/948-5 (Open), 20/12/63, English—Council, Fiftieth session, Minutes of fifth meeting, 18 November 1963, pp. 58-62 (paras. 1, 3-16).

(5a) *Problems arising when an aircraft registered in one State is operated by an operator belonging to another State*

(5b) *Problems concerning charter on a barehull basis in relation to offences committed on aircraft*

[In 1963, a Subcommittee of the Legal Committee drew up a report on the legal problems affecting the regulations and enforcement of air safety which have been experienced by certain States when an aircraft registered in one State is operated by an operator belonging to another State and a report on the problems concerning charter on a barehull basis in relation to the draft convention on offences and certain other acts occurring on board aircraft. The latter report was placed before the International Conference on Air Law (Tokyo, 1963) and both reports will be placed before the Legal Committee at its fifteenth session, in 1964.]

LC/SC. “Resolution B” No. 12, 29/3/63, English, French, Spanish—Subcommittee on Resolution B of the Guadalajara Conference. Report. Montreal, March 1963 (11 pp.).

LC/SC. “Resolution B” No. 13, 29/3/63, English, French, Spanish—Subcommittee on Resolution B of the Guadalajara Conference. Report. Montreal, March 1963 (9 pp.).

(6) *Re-examination of the Convention on Damage Caused by Foreign Aircraft to Third Parties on the Surface (Rome, 1952)*

[In 1963, the Council considered a Mexican proposal that the Legal Committee be requested to re-examine the Convention on Damage Caused by Foreign Aircraft to Third Parties on the Surface (Rome, 1952) and decided to seek the views of States on this matter.]

C-WP/3836, 19/6/63, English, French, Spanish—Subject No. 16: Legal work of the Organization. Proposal of the representative of Mexico for examination of the Convention on Damage Caused by Foreign Aircraft to Third Parties on the Surface (12 pp.).

C-WP/3905, 21/11/63, English, French, Spanish—Subject No. 16: Legal work of the Organization. Proposal of the representative of Mexico concerning the Rome Convention of 1952 and the Geneva Convention of 1948 (2 pp.).

Doc. 8373-5 (Open), C/948-5 (Open), 20/12/63, English—Council, Fiftieth session, Minutes of fifth meeting, 18 November 1963, pp. 58, 62-65 (paras. 2, 17-33).

Doc. 8373-11, C/948-11, 14/2/64, English—Council, Fiftieth session, Minutes of eleventh meeting, 9 December 1963, pp. 159, 167-171 (paras. 4, 42-64).

Doc. 8373-12, C/948-12, 14/2/64, English—Council, Fiftieth session, Minutes of twelfth meeting, 11 December 1963, pp. 176, 188-190 (paras. 7, 71-79).

(7) *Re-examination of the Convention on the International Recognition of Rights in Aircraft (Geneva, 1948)*

[The Council had before it, in 1963, a Mexican proposal (which was subsequently withdrawn) for re-examination of the Convention on the International Recognition of Rights in Aircraft (Geneva, 1948).]

C-WP/3756, 19/3/63, English, French, Spanish—Subject No. 16: Legal work of the Organization. Proposal of the representative of Mexico for examination of the Convention on the International Recognition of Rights in Aircraft (7 pp.).

C-WP/3905, 21/11/63, English, French, Spanish—Subject No.16: Legal work of the Organization. Proposal of the representative of Mexico concerning the Rome Convention of 1952 and the Geneva Convention of 1948 (2 pp.).

C-WP/3906, 3/12/63, English, French, Spanish—Agenda item No. 16: Legal work of the Organization. Supplementary note concerning the economic aspects of the Geneva Convention, 1948 (Comments of the representative of Mexico) (4 pp.).

Doc. 8373-14, C/948-14, 21/2/64, English—Council, Fiftieth session, Minutes of fourteenth meeting, 16 December 1963, pp. 211, 218-221 (paras. 3, 30-48).

(8) *Agreement between the Government of Senegal and ICAO on Privileges, Immunities and Facilities*

[An Agreement between the Government of Senegal and ICAO on Privileges, Immunities and Facilities was signed on 14 September 1963 and will come into force upon ratification by the Senegalese Government and adoption by the ICAO Council.]

C-WP/3835, 18/6/63, English, French, Spanish—Subject No. 32.3: Premises for the Regional Office for Africa. Agreement with the Government of Senegal on Privileges and Immunities (16 pp.).

Doc. 8343-9, C/945-9, 16/8/63, English—Council, Forty-ninth session, Minutes of ninth meeting, 26 June 1963, pp. 132, 134-138 (paras. 2, 9-26).

Doc. 8352, C/947—Action of the Council, Forty-ninth session (Montreal, 4-26 June 1963), English, French, Spanish, pp. 18-19.

(9) *Agreement between the Government of France and ICAO on Privileges, Immunities and Facilities*

[During the year negotiations were started between ICAO and the Government of France for an agreement on privileges and immunities to replace an exchange of notes on this subject (February-March 1947).]

C-WP/3775, 3/4/63, English, French, Spanish—Subject No. 32: Questions relating to Headquarters premises and those of Regional Offices (2 pp.).

C-WP/3753, 15/3/63, English, French, Spanish—Subject No. 32: Questions relating to Headquarters premises and those of Regional Offices. Premises for the European Regional Office (23 pp.). Corrigendum (1 p.). Addendum No. 1 (1 p.).

Doc. 8331-11 (Open), C/943-11 (Open), 15/8/63, English—Council, Forty-eighth session, Minutes of eleventh meeting, 5 April 1963, pp. 142, 146 (paras. 3, 19).

Doc. 8351, C/946—Action of the Council, Forty-eighth session (Montreal, 11 March—18 April 1963), English, French, Spanish, p. 31.

C-WP/3816, 5/6/63, English, French, Spanish—Subject No. 32: Questions relating to Headquarters premises and those of Regional Offices. Premises for the European Regional Office. Action taken subsequent to the decision of Council of 5 April 1963 (2 pp.).

Doc. 8343-3 (Open), C/945-3 (Open), 2/7/63, English—Council, Forty-ninth session, Minutes of third meeting, 11 June 1963, pp. 33, 37-38 (paras. 6, 24-26, 30).

Doc. 8352—C/947—Action of the Council, Forty-ninth session (Montreal, 4-26 June 1963), English, French, Spanish, p. 21.

(10) *Annexes to the Convention on International Civil Aviation, Procedures for Air Navigation Services (PANS), Regional Supplementary Procedures (SUPPS)*

See "ICAO Technical Publications in force on 1 January 1964", ICAO Bulletin, vol. XIX, No. 2, pp. 12-17.

V. WORLD METEOROLOGICAL ORGANIZATION

(A) AMENDMENTS TO THE CONVENTION OF THE WORLD METEOROLOGICAL ORGANIZATION

(Consideration by the Fourth World Meteorological Congress, Geneva, April 1963⁸)

⁸ The text of the amendments is reproduced in this *Yearbook*, pp. 144-147.

(1) *Supporting documentation*

Cg-IV/Doc. 3—Amendments to the WMO Convention (Submitted by the Executive Committee of WMO).

Cg-IV/Doc. 4—Amendments to the WMO Convention: Establishment of a Finance Committee (Ireland).

Cg-IV/Doc. 5—Amendments to the WMO Convention: Increase in the number of members of the Executive Committee (Tunisia).

Cg-IV/Doc. 9—Amendments to the WMO Convention: Votes by correspondence between sessions of Congress (Ireland).

Cg-IV/Doc.10—Amendments to the WMO Convention: Place of sessions of Congress and quorum at sessions of Congress, the Executive Committee and the Regional Associations (El Salvador).

Cg-IV/Doc.11—Amendments to the WMO Convention (Australia).

Cg-IV/Doc.12—Amendments to the WMO Convention (Hungarian People's Republic).

Cg-IV/Doc.13—Amendments to the WMO Convention (United Kingdom).

Cg-IV/Doc.14—Amendments to the WMO Convention (Japan).

Cg-IV/Doc.15—Amendments to the WMO Convention (Malagasy Republic).

Cg-IV/Doc.16—Amendments to the WMO Convention (United Arab Republic).

Cg-IV/Doc.17—Amendments to the WMO Convention (Syrian Arab Republic).

Cg-IV/Doc.25—Amendments to the WMO Convention: Information regarding quorum requirements in other international organizations.

Cg-IV/Doc.27—Amendments to the WMO Convention (India).

Cg-IV/Doc.50—Amendments to the WMO Convention (Sweden).

Cg-IV/Doc.66—Amendments to the WMO Convention : Comments on texts of Articles 14 and 24 as proposed by the Executive Committee in Cg-IV/Doc. 3 (Republic of South Africa).

Cg-IV/Doc.73—Amendments to the WMO Convention (United Kingdom).

Cg-IV/Doc.101—Amendments to the WMO Convention (Netherlands).

Cg-IV/Doc.108—Amendments to the WMO Convention (United Arab Republic).

Cg-IV/Doc.120—Amendments to the WMO Convention (United States of America).

(2) *Report of the Committee on General and Legal Questions after consideration of this item*

Cg-IV/Doc.124—Amendments to the WMO Convention: Article 13 (c) of the Convention.

Cg-IV/Doc.174—Report to Congress on item 3.1: Amendments to the WMO Convention.

(3) *Summary minutes of Congress meetings 5, 7, 10, 14 and 16 when this item was considered*

Cg-IV/MIN. 5—Para. 11.

Cg-IV/MIN. 7—Para. 17.

Cg-IV/MIN.10—Para. 54.

Cg-IV/MIN.14—Para. 68.

Cg-IV/MIN.16—Para. 83.

(4) *Resolutions and report in the General Summary of the work of the session*

Resolution 1—Amendment to Article 13 of the Convention of the World Meteorological Organization.

Resolution 2—Amendments to the Convention of the World Meteorological Organization.

Resolution 3—Working Group on the Convention.

General Summary of the work of the Fourth Congress—Para. 3.1: Amendments to the WMO Convention.

(B) REVIEW OF THE GENERAL REGULATIONS OF THE WORLD METEOROLOGICAL ORGANIZATION

(Consideration by the Fourth World Meteorological Congress, Geneva, April 1963)

(1) *Supporting documentation*

Cg-IV/Doc.18—Review of the General Regulations (United Kingdom).

Cg-IV/Doc.22—Review of the General Regulations (Tunisia).

Cg-IV/Doc.53—Review of the General Regulations: Report of the Working Group on the Revision of the General Regulations.

Cg-IV/Doc.78—Review of the General Regulations: Modifications to geographical boundaries of Regional Associations (Regulation 129) proposed by Regional Association V.

Cg-IV/Doc.83—Review of the General Regulations (Australia).

(2) *Report of the Committee on General and Legal Questions after consideration of this item*

Cg-IV/Doc.183—Report to Congress on item 3.2: Review of the General Regulations.

(3) *Summary minutes of the 16th meeting of Congress when this item was considered*

Cg-IV/MIN.16—Para. 84.

(4) *Resolution and report in the General Summary of the work of the session*

Resolution 4—Amendments to the General Regulations of the World Meteorological Organization.

General Summary of the work of the Fourth Congress—Para. 3.2.: Review of the General Regulations.

VI. INTERNATIONAL ATOMIC ENERGY AGENCY^o

(1) *Statute and membership of the Agency*

(a) Action taken by States in connexion with the Statute (INFCIRC/42).

(b) The financing of the Agency's activities. Amendment to Article XIV.B.1 of the Statute (GC(VII)/236 and Add.1, GC(VII)/257, GC(VII)/RES/143).

(c) Membership of:

(i) Algeria (GC(VII)/263, GC(VII)/RES/161).

(ii) Cameroon (GC(VII)/249, GC(VII)/RES/137).

(iii) Gabon (GC(VII)/244, GC(VII)/RES/136).

(iv) Ivory Coast (GC(VII)/225, GC(VII)/RES/134).

(v) Nigeria (GC(VII)/237, GC(VII)/RES/135).

(2) *Internal regulations on procedural and administrative questions*

(a) Modifications to the Provisional Staff Regulations of the Agency (INFCIRC/6/Mod.2).

(b) The Financial Regulations of the Agency. Amendment to regulation 5.02 (INFCIRC/8/Add.1/Mod.1).

(c) Rules of Procedure of the General Conference as amended up to 26 September 1962 (GC(VII)/INF/60).

(3) *International Conventions*

(a) Vienna Convention on Civil Liability for Nuclear Damage:

(i) Proceedings of the International Conference on Civil Liability for Nuclear Damage, Vienna, 29 April—19 May 1963 (STI/PUB/54).

(ii) Establishment of a Standing Committee. Decision by the Board of Governors (GC(VII)/INF/68).

(b) International Convention on the Liability of Operators of Nuclear Ships:

(i) Secretariat Note containing three questionnaires and relevant documents submitted with respect to the Brussels Convention (CN-6/SC/1).

(ii) Observations submitted by Governments in reply to the three questionnaires (CN-6/SC/2, Add.1, Add.2, Corr.1). Restricted.

^o All documents in English, French, Russian and Spanish unless otherwise stated.

- (iii) Secretariat Note on problems of jurisdiction of an international tribunal (CN-6/SC/3). English, French, Russian. Restricted.
 - (iv) Report of a Working Group on Mutual Financial Guarantees (CN-6/SC/4). English, French, Russian. Restricted.
 - (v) Report of a Working Group on International Jurisdiction (CN-6/SC/5). English, French, Russian. Restricted.
 - (vi) Report of the Working Group on the Conditions to be fulfilled by Inter-governmental Organizations Acting as Licensing Authorities under the Convention (CN-6/SC/6). English, French, Russian, Restricted.
 - (vii) Report on the first meeting of the Standing Committee of the Diplomatic Conference on Maritime Law, 24-31 October 1963 (CN-6/SC/7). Restricted.
- (4) *Agreements with the United Nations and other organizations*
- (a) Special Agreement extending the jurisdiction of the Administrative Tribunal of the United Nations to the International Atomic Energy Agency with respect to applications by Staff Members of the International Atomic Energy Agency alleging non-observance of the Regulations of the United Nations Joint Staff Pension Fund (INFCIRC/11/Add.1).
 - (b) Co-operation Agreement between the Agency and the Commission for Technical Co-operation in Africa (GC(VII)/245, 253, GC(VII)/RES/141, INFCIRC/25/Add.1).
- (5) *Others*
- (a) Disposal of radioactive waste into the sea. Report of a Panel on the Legal Implications of the Disposal of Radioactive Waste into the Sea (DG/WDS/L.19). Restricted.
 - (b) Extension of the Agency's safeguards system to large reactor facilities (GC(VII)/235, 238, GC(VII)/RES/144).
-

Chapter X

LEGAL BIBLIOGRAPHY OF THE UNITED NATIONS AND RELATED INTER-GOVERNMENTAL ORGANIZATIONS

MAIN HEADINGS

- A. INTERNATIONAL ORGANIZATIONS IN GENERAL
 - 1. General
 - 2. Particular questions
- B. UNITED NATIONS
 - 1. General
 - 2. Particular organs
 - 3. Particular questions or activities
- C. INTER-GOVERNMENTAL ORGANIZATIONS RELATED TO THE UNITED NATIONS
 - 1. General
 - 2. Particular organizations

A. INTERNATIONAL ORGANIZATIONS IN GENERAL

1. *General*

- Alvarez Faller, F. J. *Tendencias hacia una federación internacional*. [Mexico] Costa-Amic, 1963. 144 p.
- Bowett, D. W. *The law of international institutions*. New York, F. A. Praeger [1963] xviii, 347 p. Bibliographies.
- Brierly, James Leslie. *The law of nations; an introduction to the international law of peace*. 6. ed. Ed. by H. Waldock. Oxford, At the Clarendon Press, 1963. xv, 442 p.
- Colliard, Claude Albert. *Institutions internationales*. 2. ed. [Paris] Dalloz, 1963. 639 p.
- Diez de Velasco Vallejo, Manuel. *Curso de derecho internacional público*. T. 1. Madrid, Editorial Tecnos, 1963. 851 p.
- Dupuy, René-Jean. *Le droit international*. Paris, Presses Universitaires de France [c1963] 127 p. (Que sais-je? no. 1060)
- International law in a changing world* [by] C. W. Jenks [and others] Dobbs Ferry, N.Y., Oceana Publications, 1963. 125 p.
"Published in co-operation with the United Nations"
- Lachs, M. *Współczesne organizacje międzynarodowe i rozwój prawa międzynarodowego*. *Państwo i prawo* (Warszawa) 18:827-836; grudzień 1963.
International organizations and the development of international law.
Summaries in English, French and Russian.
- Merle, Marcel. *La vie internationale*. Paris, Armand Colin, 1963. 303 p.

- Reuter, Paul. *Institutions internationales*. 4. ed., revue et mise à jour. Paris, Presses Universitaires de France, 1963. 318 p.
- Starke, Joseph Gabriel. *An introduction to international law*. 5. ed. London, Butterworths, 1963. xxvi, 524, 33 p.
- Bibliography.

2. *Particular questions*

- Cahier, Philippe. *Le droit interne des organisations internationales*. *Revue générale de droit international public* (Paris) 67:563-602, 1963.
- Fawcett, J. E. S. *The Commonwealth and international organisation*. *In his The British Commonwealth in international law*. London, Stevens and Sons, 1963. p. 233-238.
- Gormley, Paul W. *The future privileges and immunities required by personnel of regional and international organizations from the jurisdiction of American Courts*. *University of Cincinnati law review* (Cincinnati) 32:279-303, 1963.
- Langrod, Georges S. *La fonction publique internationale; sa genèse, son essence, son évolution*. Leyde, A. W. Sythoff, 1963. 397 p.
- Bibliography.
- Machowski, J. *Le droit du libre accès au siège de l'organisation internationale*. *Panstwo i prawo* (Praha) 18:477-486, 1963.
- Summaries in English and Russian.
- Maresca, Adolfo. *Alcuni aspetti della condizione giuridica degli enti internazionali*. *Comunità internazionale* (Roma) 18:366-395, 1963.
- Ritter, Jean-Pierre. *La protection diplomatique à l'égard d'une organisation internationale*. *Annuaire français de droit international, 1962* (Paris) 8:427-456, 1963.
- Rumpf, Helmut. *Le alleanze e l'organizzazione internazionale*. *Diritto internazionale* (Milano) 17(1):287-306, 1963.
- Schneider, J. W. *Treaty-making power of international organizations*. Genève, Librairie Droz, 1963. 154 p.
- Seidl-Hohenveldern, I. *Internationale Organisationen und der Schutz des Privateigentums*. *Journal du droit international* (Paris) 90:626-693, 1963.
- Parallel texts in French and English.
- Siotis, Jean. *Essais sur le secrétariat international*. Genève, Librairie Droz, 1963. 272 p. (Institut Universitaire des Hautes Études Internationales. Publication 41)
- Bibliography.
- Tsutsui, Wakamizu. *Supernationality in international organization*. *Journal of international law and diplomacy* (Tokyo) 62:33-64, December 1963, no. 5
- In Japanese; summary in English.
- Weil, Prosper. *La nature du lien de fonction publique dans les organisations internationales*. *Revue générale de droit international public* (Paris) 67:273-296, 1963.
- Winterhager, Eva Marie. *Die Revision von Gründungsverträgen internationaler und supranationaler Organisationen*. Frankfurt am Main, 1963. 87 p.

B. UNITED NATIONS

1. *General*

- Alger, Chadwick. *United Nations participation as a learning experience*. *Public opinion quarterly* (Princeton) 27:411-426, 1963.
- Bindschedler, Rudolf L. *La délimitation des compétences des Nations Unies*. *Recueil des cours de l'Académie de droit international de La Haye, 1963* (Leyde) 108:307-423, 1963.

- Chayes, Abram. The United Nations—what it is, what it has done. *Department of State bulletin* (Washington) 48:562-566, 1963.
- Erven, L. The United Nations facing the problem of re-organization. *Review of international affairs* (Belgrade) 14:8-10, 20 September 1963.
- Farajallah, Samaan Boutros. Le groupe afro-asiatique dans le cadre des Nations Unies. Genève, Librairie Droz, 1963. 511 p. (Études d'histoire économique, politique et sociale, 44)
Bibliography.
- Gerbet, Pierre. Le système des Nations Unies; état des travaux. *Revue française de science politique* (Paris) 13:467-494; 740-767, 1963.
Bibliography.
- Henkin, Louis. The United Nations and its supporters: a self-examination. *Political science quarterly* (New York) 78:504-536, 1963.
- Higgins, Rosalyn. The development of international law through the political organs of the United Nations. London, Oxford University Press, 1963. xxi, 402 p.
Bibliography.
- Hinsley, F. H. The nature and development of the United Nations. *In his Power and the pursuit of peace; theory and practice in the history of relations between states.* [London] Cambridge, At the University Press, 1963. p. 335-345.
- Janca, J. K některým otázkám práce XVII. Valného shromáždění OSN. *Časopis pro mezinárodní právo* (Praha) 7:136-141, 1963, no. 2.
On some working problems of the seventeenth session of the UN General Assembly.
- Machowski, J. Grupy "Regionalne" w ONZ. *Sprawy międzynarodowe* (Warszawa) 16:54-79, 1963, no. 1. "Regional" groups in the United Nations.
Summary in English.
- Moore, Raymond A. ed. The United Nations reconsidered. Columbia, South Carolina University Press, 1963. 158 p.
- Münch, Fritz. Tätigkeit der Vereinten Nationen in völkerrechtlichen Fragen. *Archiv des Völkerrechts* (Tübingen) 10:416-438, Mai 1963, Heft 4.
- Osmanczyk, Edmund. Ciekawa historia ONZ. Warszawa, Inskry, 1963. 581 p.
The interesting history of the United Nations.
- Papahatzis, Georges. Pour sauver notre civilisation une réorganisation et un renforcement des Nations Unies sont souhaitables. *Revue hellénique de droit international* (Athènes) 16:310-322, 1963.
- Park, Jong-sung. A story of the U.N.; approaches to Korean unification. *Korean journal of international law* (Seoul) 8:29-65, 1963, no. 1.
In Korean; summary in English.
- Paździor, B. Funkcjonariusze Biura Europejskiego ONZ. *Sprawy międzynarodowe* (Warszawa) 16: 119-129, kwiecień 1963.
The officials of the European Office of the United Nations.
- Powers, Robert D. Voting in the United Nations. *JAG journal* (Washington) 17:67-70, 81-82, 1963.
- Ross, Alf. De Forenede Nationer; fred og fremskridt [København] Nyt Nordisk Forlag [1963] 432 p.
- Ruzié, David. L'année des Nations Unies (20 septembre 1961-18 septembre 1962); questions juridiques. *Annuaire français de droit international, 1962* (Paris) 8:586-603, 1963.
- Schwebel, Stephen M. The United Nations and the challenge of a changing international law. *Department of State bulletin* (Washington) 48: 785-789, 1963.
- Singer, M. R. and B. Sensenig III. Elections within the United Nations: an experimental study utilizing statistical analysis. *International organization* (Boston) 17:901-926, autumn 1963.

- Steiniger, P. A. The role and prospects of the United Nations. *German foreign policy* (Berlin) 2:54-59, 1963, no. 1.
- Stevenson, Adlai E. Looking outward; years of crisis at the United Nations. Ed. with commentary by R. L. and S. Schiffer. Preface by J. F. Kennedy. New York, Harper and Row [1963] xx, 295 p.
- Thant, U. Some major issues before the United Nations. *Vital speeches of the day* (New York) 29:360-364, 1963.
- Thant, U. The United Nations and our future. *AAUW journal* (Washington) 56:99-101, March 1963.
- Theobald, Robert, ed. The UN and its future. New York, H. W. Wilson, 1963. 190 p. (Reference shelf, v.35, no. 3)
Bibliography.
- Tomko, Ján. Vnutrenniaia kompetentsiia gosudarstv i Organizatsii Ob' 'edinennykh Natsii. Perevod so slovatskogo O. F. Sakuna. Pod redaktsie; i s vstupitel'noi stat'ei G. I. Morozova. Moskva, Izdat. Inostranoi Literatury, 1963. 309 p.
States' domestic jurisdiction and the United Nations Organization.
Translated from Slovakian.
- Udina, Manlio. L'Organizzazione delle Nazioni Unite; introduzione e testi annotati. Padova, CEDAM, 1963. xi, 221 p.

2. Particular organs

Administrative Tribunal

- Ruzié, David. Bulletin de jurisprudence administrative internationale. *Journal du droit international* (Paris) 90:1150-1189, 1963.
Parallel text in English.
- T. S. Tribunal Administratif des Nations Unies. *Annuaire français de droit international*, 1962 (Paris) 8:396-406, 1963.

Economic and Social Council

- Gregg, R. W. The Economic and Social Council: politics of membership. *Western political quarterly* (Salt Lake City, Utah) 16:109-132, March 1963.

General Assembly

- Djerdja, J. The General Assembly and international trends. *Review of international affairs* (Belgrade) 14:5-7, 20 November 1963.
- Lijphart, Arend. The analysis of bloc voting in the General Assembly. *American political science review* (Washington) 57:902-917, 1963.
- Moca, Gheorghe. Principiul neamestecului și activitatea Adunării Generale a O.N.U. *Justiția nouă* (București): 62-76, 1963, no. 2.
The principle of non-intervention and the activity of the UN General Assembly.
- Nincic, D. XVII zasedanje Generalne skupstine UN. *Medunarodni problemi* (Beograd) 15:145-155, 1963, no. 1.
The seventeenth session of the UN General Assembly.
- United Nations General Assembly. *External affairs* (Ottawa) 15:352-366, October 1963.
- Valentinov, V. K. XVII sessiia General'noi Asamblei OON. *Mezhdunarodnyi ezhegodnik, politika i ekonomika* (Moskva): 327-334, 1963.
The seventeenth session of the UN General Assembly.
- Zaidi, Manzur. The seventeenth session of the General Assembly. *Pakistan horizon* (Karachi) 15:270-284, 1962; 16:113-122, 1963.

International Court of Justice

- Amerasinghe, C. F. The exhaustion of procedural remedies in the same Court. *International and comparative law quarterly* (London) 12:1285-1325, 1963.
- Anand, R. P. The International Court of Justice and impartiality between nations. *Indian year book of international affairs* (Madras) 12:12-55, 1963.
- Aslaoui, Omar. Les conclusions et leurs modifications en procédure judiciaire internationale. Genève, Librairie Droz, 1963. 135 p. (Travaux de juridiction internationale, 7)
Bibliography.
- Bernhardt Rudolf. Die Auslegung völkerrechtlicher Verträge insbesondere in der neueren Recht, sprechung internationaler Gerichte. Köln, Carl Heymanns Verlag, 1963. 200 p. (Beiträge zum ausländischen öffentlichen Recht und Völkerrecht, 40)
Bibliography.
- Calfisch, L. Qui payera les opérations au Congo et au Moyen-Orient? L'avis consultatif de la Cour internationale de Justice. *La Suisse dans la communauté internationale* (Glarus) 18:22-28, May 1963, no. 2.
- Cassese, Antonio. Il diritto interno nel processo internazionale. Padova, Edizioni Cedam, 1963. 303 p.
- Cot, Jean-Pierre. Affaire du temple de Préah Vihear (Cambodge c. Thaïlande). Fond. Arrêt du 15 juin 1962. *Annuaire français de droit international, 1962* (Paris) 8:217-247, 1963.
- Cummins, Richard J. Protection of foreign investments: a role for the International Court of Justice? *New York University law review* (New York) 38:918-947, 1963.
- Deutsch, E. P. A plan for reconstitution of the International Court of Justice. *American Bar Association journal* (Chicago) 49:537-544, 1963.
- Doeker, G. Das Connally Amendment und die obligatorische internationale Gerichtsbarkeit. *Archiv des Völkerrechts* (Tübingen) 11:155-167, November 1963.
- Duisberg, Claus-Jürgen. Das Völkergewohnheitsrecht nach der Rechtsprechung der internationalen Gerichte. Bonn, 1963. 171 p.
- Ferrari Bravo, Luigi. Note in margine alla recente sentenza della Corte internazionale di giustizia nel caso dell'Africa sud-occidentale. *Rivista di diritto internazionale* (Milano) 46: 337-365, 1963.
- Friedmann, Wolfgang. The uses of "general principles" in the development of international law. *American journal of international law* (Washington) 57:279-299, 1963.
- Grant, Rev. Fr. G. G. and E. L. Millard. Some proposed jurisdictions of World Law. *Background* (San Francisco) 7:137-149, November 1963.
- Gross, Leo. Expenses of the United Nations for peace-keeping operations; the advisory opinion of the International Court of Justice. *International organization* (Boston) 17:1-35, winter 1963.
- Gross, Leo. The jurisprudence of the World Court: thirty-eighth year (1959). *American journal of international law* (Washington) 57:751-780, 1963.
- Hambro, Edward. The case law of the International Court. v. III. Individual and dissenting opinions 1947-1958. (two volumes) Leyden, A.W. Sythoff, 1963. xix, 1147 p.
- Heggemsnes, J. B. Inntrykk fra fredspalasset; sete for den internasjonale domstol. *Nordisk tidskrift for international ret og jus gentium* (København) 33:51-56, 1963, fasc. 1-2.
- Kanô, Tôru. Nomination and election of judges of the International Court of Justice. *Kobe hogaku zasshi* (Kobe) 13:1-17, 1963, no. 1.
In Japanese; summary in English.
- L.F. Affaires du Sud-Ouest Africain (Ethiopie c. Afrique du Sud—Libéria c. Afrique du Sud) Exceptions préliminaires. Arrêt du 21 décembre 1962. *Annuaire français de droit international, 1962* (Paris) 8:277-284, 1963.
- Morelli, Gaetano. Studi sul processo internazionale. Milano, A. Giuffrè, 1963. 207 p.
- Orban, P. M. Du recours obligatoire des juridictions internationales pour le règlement des conflits entre États. *Journal des tribunaux* (Bruxelles) 78:21-27, 13 janvier 1963, no. 4388.

- Pharand, Donat A. Analysis of the opinion of the International Court of Justice on certain expenses of the United Nations. *Canadian yearbook of international law* 1963 (Vancouver) 1:272-297, 1963.
- Rama Rao, T. S. The expenses judgment of the International Court of Justice: a critique. *Indian year book of international affairs* (Madras) 12:134-160, 1963.
- Rolin, Henri. Des arrêts seulement déclaratoires de la Cour Internationale de Justice ou du règlement judiciaire partiel des différends internationaux. *Travaux et conférences de l'Université Libre de Bruxelles* (Bruxelles) 10:19-35, 1963.
- Rosenne, Shabtai. La Cour Internationale de Justice en 1962. *Revue générale de droit international public* (Paris) 67:737-819, 1963.
- Rosenne, Shabtai. Travaux préparatoires. *International and comparative law quarterly* (London) 12:1378-1383, 1963.
- Schlesinger, R. B. and P. Bonassies. Le fonds commun des systèmes juridiques; observations sur un nouveau projet de recherches. *Revue internationale de droit comparé* (Paris) 15:501-540, 1963.
- Siorat, Lucien. L'Article 37 du Statut de la Cour Internationale de Justice. *Annuaire français de droit international, 1962* (Paris) 8:285-330, 1963.
- Sohn, Louis B. The function of international arbitration today. *Recueil des cours de l'Académie de droit international de La Haye, 1963* (Leyde) 108:1-113, 1963.
- Stevenson, John R. South West Africa cases (Ethiopia v. South Africa; Liberia v. South Africa), preliminary objections. *American journal of international law* (Washington) 57:640-659, 1963.
- Suy, Eric. Een nieuw arrest van het international gerechtshof over Zuid-West-Afrika. *Rechtskundig Weekblad* (Antwerpen) 27:1981-1994, 1963.
- Thierry, Hubert, Avis consultatif de la Cour Internationale de Justice du 20 juillet 1962. Certaines dépenses des Nations Unies. (Article 17, paragraphe 2 de la Charte). *Annuaire français de droit international, 1962* (Paris) 8: 247-276, 1963.
- Toman, Jiri. Otázka příslušnosti Mezinárodního soudního dvora ve sporu, který zahájil Izrael proti Bulharsku ve věci leteckého incidentu ze dne 27. cervence 1955. *Studie z mezinárodního práva* (Praha) 8:179-239, 1963.
The question of the jurisdiction of the International Court of Justice in the Israeli-Bulgarian dispute concerning the air incident on 27 July 1955.
Summary in English.
- Tope, T. K. India-China border dispute and the International Court of Justice. *United Asia* (Bombay) 15:60-65, 1963.
- Tsoutsos, Athos. Judicial supervision of international legality. *Revue hellénique de droit international* (Athènes) 16:267-273, 1963.
- Verzijl, J. H. W. International Court of Justice. *Netherlands international law review* (Rotterdam) 10:1-32, 1963.
- Wartburg, Walter von. The advisory function of the International Court of Justice. Basel, Diss. jur., 1963. 161 p. [Polycopié.]
- Weissberg, Guenter. Maps as evidence in international boundary disputes: a reappraisal. *American journal of international law* (Washington) 57:781-803, 1963.
- Secretariat*
- Buehring, Edward Henry. Promene u funkcijama Generalnog sekretara UN. *Medunarodni problemi* (Beograd) 15:171-173, 1963, no. 1.
The changing functions of the UN Secretary General.
- Joyce, J. A. U Thant's mission of conciliation. *Contemporary review* (New York) 35:62-65, January 1963.
- Kunzmann, K. H. Das Sekretariat der Vereinten Nationen. *Vereinte Nationen* (Bonn) 11:170-174, Oktober 1963; 206-208, Dezember 1963.
- Narasimhan, C. V. Administrative changes in the Secretariat. *In Annual review of United Nations affairs 1961-1962*. New York, Oceana Publications [1963] p. 1-20.

- Nikolaev, M. Biudzhët i shtaty Sekretariata OON. *Finansy SSSR* (Moskva): 23-29, 1963, no. 5.
On budget and staff of the UN Secretariat.
- Pak, Chi Young. The political role of the Secretary-General of the United Nations in theory and practice. Ann Arbor, Mich., University Microfilms, 1963. 327 p. (O-P book)
Diss. New York University. Dept. of Government, 1963.
- Singh, B. Limitations of mediation in the bi-polar world—a critique of the Secretary-General of the United Nations. *United Asia* (Bombay) 15:671-677, 1963.
- Singh, J. The position and role of the Secretary-General of the United Nations. *Indian journal of public administration* (New Delhi) 9:212-237, 1963.
- Taubenfeld, Howard, J. The Secretary-General of the United Nations. *JAG journal* (Washington) 17:60-66, 80-81, 1963.

Security Council

- Chabria, Kaniyo R. The U.N. Security Council; its composition, its voting procedures and its function in the peaceful settlement of disputes during its first fifteen years. Cincinnati, 1963. 189 p.
Diss. Cincinnati University. Graduate School, 1963.
- Engelhardt, H. Das Vetorecht im Sicherheitsrat der Vereinten Nationen. *Archiv des Völkerrechts* (Tübingen) 10:377-415, Mai 1963.
- Fedorov, V. N. Istoriia sozdaniia Soveta Bezopasnosti OON. *Uchenye zapiski instituta mezhdunarodnykh otnoshenii* (Moskva): 1963, vypusk 14. (Serriia iuridicheskaia)
The UN Security Council: history of its creation.

United Nations Conciliation Commission for Palestine

- Hamzeh, Fouad Said. International conciliation with special reference to the work of the United Nations Conciliation Commission for Palestine. The Hague, Drukkerij Pasmans, 1963. 177 p.
Bibliography.

United Nations Forces

- Association of the Bar of the City of New York. The legal aspects of the United Nations action in the Congo; background papers and proceedings of the second Hammarskjöld forum [by] T. M. Franck and K. Carey. Editor: L. M. Tondel, Jr., Dobbs Ferry, N. Y., Oceana Publications, 1963. 137 p. (Hammarskjöld forums; case studies on the role of law in the settlement of international disputes, 2, 1963)
- Attia, Gamal el-Din. Les forces armées des Nations Unies en Corée et au Moyen-Orient. Genève, Librairie Droz, 1963. 467 p. (Travaux de droit, d'économie et de sociologie, 2)
- Bishop, P. V. UNOPAX: a new name (With a definition) for U.N. peace-keeping operations. *International journal* (Toronto) 18:525-531, 1963.
- Bloomfield, Lincoln P. ed. International force—a symposium. *International organization* (Boston) 17:321-485, spring 1963.
- Bowitz, G.C. FN-styrkenes sentrale politiske og militære ledelse. *Internasjonal politikk* (Bergen): 112-125, 1963, no. 1-2.
- Burns, Arthur Lee and N. Heathcote. Peace-keeping by UN forces, from Suez to the Congo. New York, Praeger, [1963] 256 p. (Princeton University. Center of International Studies in world politics. 4)
Bibliography.
- Claude, I. L. United Nations use of military force. *Journal of conflict resolution* (Ann Arbor) 7: 117-129, June 1963.
- Draper, G.I.A.D. The legal limitation upon the employment of weapons by the United Nations force in the Congo. *International and comparative law quarterly* (London) 12:387-413, 1963.
- Gardner, Richard N. The development of the peace-keeping capacity of the United Nations.

Proceedings of the American Society of International Law, 57th annual meeting, Washington, D.C. 25-27 April 1963, p. 224-234.

Also available in: *Department of State bulletin* (Washington) 48:789-796, 1963.

Halpern, M. The UN in the Congo. *Worldview* (New York) 6:4-8, 1963, no. 10.

Kopal, V. K novému vývoji v otázce ozbrojených sil OSN. *Právník* (Praha) 102:96-116, 1963 no. 2.

Recent trends in the development of the problem of the UN Armed Forces.

Morgenthau, H. J. The political conditions for an international police force. *International organization* (Boston) 17:393-404, spring 1963.

Murray, G. S. United Nations peace-keeping and problems of political control. *International journal* (Toronto) 18:442-457, 1963.

Nicholas, H. U.N. peace forces and the changing globe. *International organization* (Boston) 17: 321-338, spring 1963.

Rosner, Gabriella. The United Nations Emergency Force. New York, Columbia University Press, 1963. 294 p.

Russell, Ruth B. United Nations experience with military forces; political and legal aspects. Washington, 1963. 189 p. (Institute for Defense Analyses, Washington. International Studies Division. Research paper, P-27)

Schachter, Oscar. Preventing the internationalization of internal conflict: a legal analysis of the UN Congo experience. *Proceedings of the American Society of International Law*, 57th annual meeting, Washington, D.C. 25-27 April 1963, p. 216-224.

Sohn, Louis B. The rôle of the United Nations in civil wars. *Proceedings of the American Society of International Law*, 57th annual meeting, Washington, D.C. 25-27 April 1963, p. 208-215.

Urquhart, B. E. United Nations Peace Forces and the changing United Nations: an institutional perspective. *International organization* (Boston) 17:338-355, spring 1963.

Visscher, P. de. Observations sur le fondement et la mise en œuvre du principe de la responsabilité de l'ONU. *Revue de droit international et de droit comparé* (Bruxelles) 40: 165-176, 1963, no. 3-4.

United Nations Relief and Works Agency for Palestine Refugees in the Near East

Hardy, Michael. L'U.N.R.W.A. et son personnel. *Annuaire français de droit international*, 1962 (Paris) 8:576-585, 1963.

3. Particular questions or activities

Collective security

Internasjonale sikkerhetsstyrker. *Internasjonal politikk* (Oslo): 1-208, 1963, no. 1-2.

Commodity agreements

Bilder, Richard B. The International Coffee Agreement: a case history in negotiation. *Law and contemporary problems* (Durham, N.C.) 28:328-391, 1963.

Bilder, Richard B. The International Coffee Agreement, 1962. *American journal of international law* (Washington) 57:888-892, 1963.

Hanson, Simon G. The International Coffee Agreement. *Inter-American economic affairs* (Washington) 17:75-94, autumn 1963.

Walker, Herman. The international law of Commodity Agreements. *Law and contemporary problems* (Durham, N.C.) 28:392-415, 1963.

Consular relations

Khlestov, O. N. Venskaiia Konferentsiia OON 1963g. po Konsul'skim Snosheniim. *Sovetskoe gosudartstvo i pravo* (Moskva) 33:113-119, noiabr' 1963.

The 1963 Vienna Conference on Consular Relations.

Bartoš, M. Konferencija u Beču o konzularnom pravu. *Medunarodni problemi* (Beograd) 15: 161-164, 1963, no. 4.

The Vienna Conference on Consular Relations.

Krzyzanowski, Ryszard. Konwencja wiedeńska o stosunkach konsularnych. *Sprawy międzynarodowe* (Warszawa) 16:114-126, lipiec 1963.

The Vienna Convention on Consular Relations.

Miele, M. La Convenzione di Vienna su le Relazioni Consolari. *Rivista di diritto internazionale* (Milano) 46:391-396, 1963.

Sakun, O. F. Meždunarodnoe pravo i pravovoj status konsulov. *Izvestija Vysšich učebnykh zavedenij. Pravovedenie* (Leningrad) 7:161-166, 1963, no. 3.

International law and the legal status of Consuls.

Società Italiana per l'Organizzazione Internazionale. Convenzione di Vienna sulle relazioni consolari. Padova, CEDAM, 1963. 139 p. (Its Documenti, 15)

Zourek, Jaroslav. La nouvelle Convention sur les Relations Consulaires, une contribution importante au progrès du droit international. *Monde diplomatique* (Paris): 1, 1963.

Zourek, Jaroslav. Quelques problèmes théoriques du droit consulaire. *Journal du droit international* (Paris) 90:4-67, 1963.

Parallel text in English.

Diplomatic relations

Bartoš, Milan. Le statut des missions spéciales de la diplomatie *ad hoc*. *Recueil des cours de l'Académie de droit international de La Haye, 1963* (Leyde) 108: 425-560, 1963.

Bindschedler, Rudolf L. Die Wiener Konvention über die diplomatischen Beziehungen. *Schweizerisches Jahrbuch für internationales Recht, 1961* (Zürich) 18:29-44, 1963.

Cardozo, M. H. Diplomatic immunities, protocol, and the public. *Journal of international affairs* (New York) 17:61-69, 1963.

Castrén, Erik. Innovations in the Vienna Convention on Diplomatic Relations, 1961. *In Legal essays; a tribute to Frede Castberg on the occasion of his 70th birthday* [Oslo] Universitetsforlaget [1963] p. 217-228.

Korowicz, M. S. The plight of diplomatic law. *Indian journal of international law* (Delhi) 3:413-421, 1963.

Salmon, Jean. Les limites dans le temps de l'immunité de juridiction des agents diplomatiques. *Travaux et conférences de l'Université Libre de Bruxelles* (Bruxelles) 10:37-63, 1963.

Sweeney, Joseph M. The international law of sovereign immunity. [Washington] 1963. 59 p. U.S. Department of State. Bureau of Intelligence and Research. External Research Staff. (Policy research study)

Waters, Maurice. The *ad hoc* diplomat: a study in municipal and international law. The Hague, Martinus Nijhoff, 1963. 233 p.

Watson, L.B. The naval attaché and international law. *JAG journal* (Washington) 17:139-150, September 1963.

Westrup, Z.P. Wienkonferensen 1961 angående; diplomatiska förbindelser och immuniteter. *Nordisk tidsskrift for international ret og jus gentium* (København) 33:34-40, 1963, fasc.1-2.

Disarmament

Barnet, Richard J. The Cuban crisis and disarmament. *Proceedings of the American Society of International Law, 57th annual meeting, Washington, D.C. 25-27 April 1963.* p. 1-9.

Bechhoefer, B. G. United Nations procedures in case of violation of disarmament agreements. *Journal of arms control* (Ann Arbor) 1:191-202, July 1963.

Bogdanov, O. V. Besopasnost' gosudarstv v razoruzhenom mire i mezhdunarodnoe pravo. *Sovetskoe gosudarstvo i pravo* (Moskva) 33:62-71, sentiabr' 1963, no. 9.

The security of peace after disarmament and international law.

Bogdanov, O. V. Ideia razoruzheniia v istorii mezhdunarodnykh otnoshenii i prava. *Soviet year-book of international law, 1962* (Moscow): 166-188, 1963.

The idea of disarmament in the history of international relations and law.

Summary in English.

- Bystrický, R. Nad tremi smlouvami. *Časopis pro mezinárodní právo* (Praha) 7:297-308, 1963, no. 4.
About three treaties.
Summary in French.
- Chandrasekhara Rao, P. The test ban treaty, 1963—form and content. *Indian journal of international law* (Delhi) 3:315-322, July 1963.
- Gilas, Janusz. O istocie prawnej powszechnego i całkowitego rozbrojenia. *Sprawy międzynarodowe* (Warszawa) 16:39-60, maj 1963, no. 5.
On the legal substance of general and complete disarmament.
Summaries in English and Russian.
- Herder, G. and M. Kohl. Rechtliche Aspekte des Moskauer Abkommens. *Deutsche Aussenpolitik* (Berlin) 8:878-883, 1963.
- Kojanec, Giovanni. Problemi giuridici dell'armamento nucleare: il Trattato di Mosca. *Comunità internazionale* (Roma) 18:541-550, ottobre 1963, no. 4.
- Kovrov, Iu. Obsuzhdenie voprosov razoruzheniia v 1961 g. *Sovetskii ezhegodnik mezhdunarodnogo prava, 1962* (Moskva): 257-259, 1963.
Discussion of disarmament problems in 1961.
- Krivchikova, E. S. and V. I. Menzhinskii. Razorizhenie i vopros o sozdanii mezhdunarodnykh vooruuzhennykh sil. *Uchenye zapiski* [Institut mezhdunarodnykh otnoshenii](Moskva) vypusk 16: 76-126, 1963. (Serria iuridicheskaiia)
Disarmament and the question on international armed forces.
- Larson, Arthur, ed. A warless world. New York, McGraw Hill, 1963. 209 p.
- Malinin, S. Iuridicheskoe sodержanie printsipa razoruzheniia. *Pravovedenie* (Leningrad): 149-153, 1963, no. 2.
On legal aspects of the disarmament principle.
- Martin, Andrew. Legal aspects of disarmament. *International and comparative law quarterly* (London) 12:1-133, 1963, supplementary publication no. 7.
- Meyrowitz, H. Les juristes devant l'arme nucléaire. *Revue générale de droit international public* (Paris) 67:820-873, 1963.
- Neidle, Alan F. Peace-keeping and disarmament. *American journal of international law* (Washington) 57:46-72, 1963.
- Nincić, D. Novi vidici na podrucju razoruzanja. *Medunarodni problemi* (Beograd) 15:9-16, 1963, no. 4.
Disarmament: new vistas.
- Setalvad, M. C. Nuclear weapons and international law. *Indian journal of international law* (Delhi) 3:383-395, October 1963.
- Tunkin, G. I. Uspekh politiki mirnogo sosushchestvovaniia. *Sovetskii ezhegodnik mezhdunarodnogo prava, 1962* (Moskva): 17-24, 1963.
Success of the policy of peaceful co-existence.
- Whitton, John Boardman and Arthur Larson. Propaganda toward disarmament in the war of words. Dobbs Ferry, N.Y., Oceana Publications for the World Rule of Law Center, Duke University, 1964 [c1963] 305 p.
Bibliography.

Financing

- Chayes, Abram. The rule of law—now. *Department of State bulletin* (Washington) 49:162-167, 1963.
- Les difficultés financières des Nations Unies et les obligations des états membres. *Chronique de politique étrangère* (Bruxelles) 16:1-292, janvier-avril 1963.

- Fedorenko, N. T. Chto taitsia za "financovym krizisom" OON? *Mirovaia ekonomika i mezhdunarodnye otnosheniia* (Moskva): 43-52, 1963, no. 12.
What is behind the UN "finance crisis"?
- Financing UN peace-keeping: some recent developments. *External affairs* (Ottawa) 15:282-294, August 1963.
- Gardner, Richard N. The United Nations financial crisis. *Department of State bulletin* (Washington) 48:535-540, 1963.
- Jackson, J. H. The legal framework of United Nations financing: peace-keeping and penury. *California law review* (Berkeley) 51:79-133, 1963.
- Koschorreck, W. Die Finanzkrise der Vereinten Nationen. Problem der Finanzierung der Friedenssicherung im ägyptisch-israelischen Grenzgebiet und im Kongo durch die Vereinten Nationen. *Europa Archiv* (Bonn) 18:381-191, 1963, no. 10.
- Piontek, Eugeniusz. Prawne zasady finansowania operacji ONZ w Kongo i na Bliskim Wschodzie. *Sprawy miedzynarodowe* (Warszawa) 16:22-42, grudzień 1963.
Summaries in English and Russian of The legal principles of the financing of the United Nations operations in the Near East and the Congo.
- Plimpton, Francis T. P. The United Nations—voting patterns and financing. *Department of State bulletin* (Washington) 48:796-800, 1963.
- Racić, Obrad. O problemu finansiranja operacija UN. *Medunarodni problemi* (Beograd) 15:117-127, 1963, no. 1.
- Salmon, Jean. L'emprunt de 200 millions de dollars de l'Organisation des Nations Unies. *Annuaire français de droit international*, 1962 (Paris) 8:556-575, 1963.
- Sar, Cem. Le financement des activités de l'ONU. 1945-1961. Ankara, Ankara University, 1963. 260 p. (Publication of the Faculty of Political Science, no. 169-151)
- Seibt, P. Die Grossmächte und die Finanzkrise der UNO. *Aussenpolitik* (Stuttgart) 14:477-485, 1963.
- Szalowski, R. Recent financial problems of the United Nations. *Public finance* (The Hague) 18:148-185, 1963.
- Turner, Bruce. Financial problems. In *Annual review of United Nations affairs 1961-1962*. New York, Oceana Publications [1963] p. 175-207.
- U. S. Department of State. Advisory Committee on International Organizations. Financial management and the United Nations system; a report [Washington], 1963. 30 p.

Friendly relations and co-operation among States

- Bales, J. D. La coexistence pacifique. *Revue de droit international, de sciences diplomatiques et politiques* (Genève) 41:332-336, 1963.
- Dordević, A. O međunarodnopravnimna čelima miroljubive aktivne koegzistencije. *Medunarodni problemi* (Beograd) 15:115-125, 1963, no. 4.
Principles of international law concerning peaceful and active coexistence.
- Hazard, John N. Co-existence codification reconsidered. *American journal of international law* (Washington) 57:88-97, 1963.
- Hazard, John N. A pragmatic view of the new international law. *Proceedings of the American Society of International Law*, 57th annual meeting, Washington, D.C. 25-27 April 1963, p. 79-83.
- Lapenna, I. The legal aspects and political significance of the Soviet concept of co-existence. *International and comparative law quarterly* (London) 12:737-777, 1963.
- Lasswell, H. D. A brief discourse about method in the current madness. *Proceedings of the American Society of International Law*, 57th annual meeting, Washington, D.C. 25-27 April 1963, p. 72-78.
- McWhinney, Edward. "Coexistence", the Cuba crisis and Cold War international law. *International journal* (Toronto) 18:67-75, winter 1962-63.

McWhinney, Edward. International law in the nuclear age: Soviet-Western, inter-bloc, international law. *Proceedings of the American Society of International Law*, 57th annual meeting, Washington, D.C. 25-27 April 1963, p. 68-72.

Pechota, Vratislav. Valné shromáždění osn a projednávání právních zásad mírového soužití. *Časopis pro mezinárodní právo* (Praha) 7:97-110, 1963.

The UN General Assembly and the legal principles of peaceful coexistence.
Summary in French.

Plimpton, Francis T. P. Principles of international law concerning friendly relations and cooperation among states: threat or use of force. *Department of State bulletin* (Washington) 49:973-983, 1963.

Human rights

Biörklund, E. A world movement in favour of human rights. *Nordisk Tidsskrift for International Ret og Jus Gentium—Acta scandinavica juris gentium* (Copenhagen) 33:112-120, 1963.

Boiarshinov, V. XVII sessiia Komissii OON po pravam cheloveka. *Sovetskii ezhegodnik mezhdunarodnogo prava*, 1962 (Moskva): 262-264, 1963.

The seventeenth session of the UN Commission on Human Rights.

Cleveland, H. Peace and human rights. *Department of State bulletin* (Washington) 49:38-43, 1963.

Das, K. United Nations Convention on the International Right of Correction. *Indian year book of international affairs* (Madras) 12:68-107, 1963.

Dimitrijević, V. Nacrt deklaracije Ujedingenih Nacija o pravu azila i neka aktuelna pitanja azila i izbeglištvu. *Medunarodni problemi* (Beograd) 15: 55-66, 1963, no. 4.

The UN draft declaration on the right of asylum and some problems of asylum and refugees.

Fuhrmann, Peter. Die Versuche, in internationales Vertragsrecht Regelungen hinsichtlich der Strafarbeit bei Handeln auf Befehl aufzunehmen. *In his Der höhere Befehl als Rechtfertigung im Völkerrecht*. München, C. H. Beck'sche Verlagsbuchhandlung, 1963. p. 102-119.

Ghelmegeanu, Mihail. Declaratia universală a drepturilor omului si perspectivele dezvoltării progresive a dreptului international contemporan. *Justitia nouă* (Bucuresti) 19:15-24, 1963, no. 11.

The Universal Declaration of Human Rights and the outlook of progressive development of contemporary international law.

Golsong, H. Events and trends; survey: publications on human rights. *World justice* (Louvain) 4:380-386, March 1963.

Guradze, H. Die Allgemeine Erklärung der Menschenrechte. *Vereinte Nationen* (Bonn) 11:189-191, Dezember 1963.

Hamburger, E. Die Allgemeine Erklärung der Menschenrechte—Gedanken zum 15. Jahrestag ihrer Verkündung. *Vereinte Nationen* (Bonn) 11:182-184, 187-188, Dezember 1963.

Humphrey, John P. The United Nations and human rights. [Toronto] Baxter Publishing, 1963. 26 p. (Canadian Institute of International Affairs. Behind the headlines, v. 23 no. 1, November 1963)

Bibliography.

Lin, Mousheng. The human rights program. *In Annual review of United Nations affairs 1961-1962*. New York, Oceana Publications, [1963] p. 102-136.

Morrier, Andrée. La déclaration des droits de l'enfant. *Revue internationale de la Croix-Rouge* (Genève) 45:209-216, mai 1963.

National Council of Hungarian Women. Law Commission. Working group. Legal protection of the women and children; analysis of documents of international organisations, ed. by J. Bokor-Szegö. Contribution of Hungarian Women's Council to the World Congress of Women convened by the Women's International Democratic Federation, June 1963, [Budapest, Kossuth Kiadó, 1963] 60 p.

Reshetnyk, M. Likviduvaty rasovu dyskryminatsiui u vsikh ii formakh. *Radians'ke pravo* (Kyiv) :114-119, veresen'—zhovten' 1963,

For the abolition of race discrimination in all its forms.

- Schwelb, Egon. Marriage and human rights. *American journal of comparative law* (Ann Arbor) 12:337-383, 1963.
- Società Italiana per l'Organizzazione Internazionale. Diritti dell'Uomo e Nazioni Unite, a cura della S.I.O.I. e della Commissione Nazionale UNESCO. Padova, CEDAM, 1963. 171 p.
- South Africa—The United Nations Special Committee on Apartheid and a sabotage trial. *Bulletin of the International Commission of Jurists* (Geneva): 41-48, December 1963, no. 17.
- Thant, U. L'evoluzione dei diritti dell'uomo. *Comunità internazionale* (Roma) 18:351-356, 1963.
- UN Commission on Human Rights. *External affairs* (Ottawa) 15:194-198, May 1963.
- Verdoodt, A. Fifteenth Anniversary of the Universal Declaration of Human Rights. *Migration news* (Geneva) 12:1-10, November-December 1963.

International rivers

- Elias, T. O. The Berlin Treaty and the River Niger Commission. *American journal of international law* (Washington) 57: 873-882, 1963.
- Nguyen Quoc Dinh. L'Internationalisation du Mékong. *Annuaire français de droit international*, 1962 (Paris) 8:91-116, 1963.

Law of the sea

- Cepeda, Ulloa, Fernando. La Convención de Ginebra sobre la Plataforma Continental; un análisis político. Bogotá [Instituto Colombiano de Estudios Internacionales; Escuela Superior de Administración Pública] 1963. 147 p.
Bibliography.
- García Amador y Rodríguez, F. V. The exploitation and conservation of the resources of the sea; a study of contemporary international law. 2d. ed., 2d. enl. print. Leyden, A. W. Sythoff, 1963. xiv, 240 p.
- Goethem, Margareta van. Het statuut van de territoriale zee. Bruges, Editions La Chartre, 1963. 130 p.
- Goldie, L. F. E. Flags of convenience. *International and comparative law quarterly* (London) 12:989-1004, 1963.
- Keilin, A. D. Aktualnye voprosy sovremennogo morskogo i rechnogo prava. *Sovetskii ezhegodnik mezhdunarodnogo prava*, 1962 (Moskva): 78-113, 1963.
Urgent problems of contemporary international maritime and river law.
- Kuebler, Jeanne. Fishing rights and territorial waters. *Editorial research reports* (Washington) 2:645-662, 1963.
- Oda, Shigeru. International control of sea resources. Leyden, A. Q. Sythoff, 1963. 215 p.
Bibliography.
- Sauvage, F. La mer territoriale et le droit de pêche. *Droit maritime français* (Paris) 15:643-649, 1963.
- Strohl, Mitchell P. The international law of bays. The Hague, M. Nijhoff, 1963. 426 p.
- Takabayashi, Hideo. The three-mile limit and the cannon shot rule. *Journal of international law and diplomacy* (Tokyo) 62:17-47, October 1963, no. 4.
In Japanese; summary in English.
- Takanashi, Masao. The freedom of the seas and the freedom of shipping. *Journal of international law and diplomacy* (Tokyo) 61:1-25, February 1963, no. 6.
In Japanese; summary in English.

Law of treaties

- Bartoš, Milan. Rad Komisije un za medunarodno pravo u 1963. Godini na izradi pravila o ugovornom pravu. *Medunarodni problemi* (Beograd) 15:135-152, 1963, no. 3.
Activities of the UN International Law Commission in 1963 concerning the codification of the right of concluding treaties.

Talalaev, A. N. Iuridicheskaia priroda mezhdunarodnogo dogovora. Moskva, Izdat. Instituta Mezhdunarodnykh Otnoshenii, 1963. 262 p.

The juridical nature of the international treaty.

Talalaev, A. N. O kodifikatsii mezhdunarodnogo dogovornogo prava (obzor nekotorykh proektov konventsii i kodeksov). *Sovetskii ezhegodnik mezhdunarodnogo prava, 1962* (Moskva): 137-149, 1963.

Codification of the international law of treaties (review of some draft conventions and codes)

Tunkin, G. I. and B. N. Nechaev. Pravo dogorov na XIV sessii Komissii Mezhdunarodnogo Prava OON. *Sovetskoe gosudarstvo i pravo* (Moskva) 33:97-103, fevral'1963.

The law of treaties at the fourteenth session of the UN International Law Commission.

Membership and representation

Brouka, Iu. Da pytannia ab udzale Belaruskai SSR u stvarenni Arganizatsyi Ab'iadnanykh Natsyi. *Akademiia navuk Belaruskai SSR Vestsi* (Minsk): 115-125, 1963, no. 2.

On the participation of Byelorussian SSR in the creation of the United Nations.

Rose, H. The legal claim of the German Democratic Republic to membership in the United Nations. *German foreign policy* (Berlin) 2:165-174, 1963, no. 3.

Schick, F. B. The question of China in the United Nations. *International and comparative law quarterly* (London) 12:1232-1250, 1963.

Narcotic drugs

Bevans, Charles I. International conventions in the field of narcotic drugs. *Temple law quarterly* (Philadelphia) 37:41-58, 1963.

Boiarshinov, V. Konferentsiia OON po vyrabotke edinoi konventsii o narkoticheskikh szedstvakh. *Sovetskii ezhegodnik mezhdunarodnogo prava, 1962* (Moskva): 280-282, 1963.

The UN Conference on the elaboration of a single Convention on Narcotics.

Gregg, Robert W. The politics of international drug control. *American Bar Association journal* (Chicago) 49:176-179, 1963.

Non-self-governing territories

Alpert, Paul. Dependent peoples. *In Annual review of United Nations affairs 1961-1962*. New York, Oceana Publications [1963] p. 137-174.

Bains, J. S. Angola, the U.N. and international law. *Indian journal of international law* (New Delhi) 3:63-71, 1963.

Iturriaga Barberan, J. A. de. Desárrollo de las disposiciones de la carta relativa a los territorios no autonomos a traves de la práctica de la O.N.U. *Revista española de derecho internacional* (Madrid) 16:33-60, 1963.

Wohlgemuth, Patricia. The Portuguese territories and the United Nations. [New York]. Carnegie Endowment for International Peace, 1963. 68 p. (International conciliation, 545)

Outer space

Busák, Jan. Mezinárodněprávní aspekty spojových družic. *Časopis pro mezinárodní právo* (Praha) 7:308-320, 1963.

International legal aspects of satellites in the sphere of telecommunication.
Summary in French.

Chayes, Abram. International organization and space law. *Department of State bulletin* (Washington) 48:835-839, 1963.

Cocca, A. A. Basic statute for the moon and celestial bodies. *Diritto aereo* (Roma) :141, 1963.

Cocca, A. A. Condición jurídica del espacio. *Diritto aereo* (Roma): 251, 1963.

Cocca, A. A. Soberania en el aire y libertad en el espacio; antagonismos jurídicos a dilucidar. *Ciencia aeronáutica* 9:10, 14, 1963, no. 89-90.

- Convegno Nazionale di Diritto Cosmico. 1st Taormina, 1960. Atti del 1. Convegno Nazionale di Diritto Cosmico, Taormina, 31 ottobre-3 novembre 1960. Milano, A. Giuffrè, 1963, 204 p. (Messina. Università. Istituto di Scienze Giuridiche, Economiche, Politiche e Sociali. Pubblicazioni, 62)
- Cooper, John Cobb. Aerospace law—subject matter and terminology. *Journal of air law and commerce* (Dallas, Texas) 29:89-94, 1963.
- Cooper, John Cobb. L'évolution actuelle du droit de l'espace. *Revue française de droit aérien* (Paris) 17:275-287, 1963.
- Cooper, John Cobb. Gegenwärtige Entwicklungen im Weltraumrecht. *Zeitschrift für Luftrecht und Weltraumrechtfragen* (Köln) 12:199-206, 1963.
- Crane, Robert D. The beginnings of Marxist space jurisprudence. *American journal of international law* (Washington) 57:615-625, 1963.
- Dryden, H. L. The United Nations in the field of outer space. *ICSU review of world science* (Amsterdam) 5:88-93, April 1963.
- Estep, Samuel D. Some international aspects of communications satellite systems. *Northwestern University law review* (Chicago) 58:237-265, 1963.
- Fiorio, F. Space claims—a matter of common sense. *Proceedings of the American Society of International Law*, 57th annual meeting, Washington, D.C. 25-27 April 1963. p. 186-193.
- Gabrovski, T. Some legal aspects of space exploration. *International affairs* (Moscow) 9:92-93, February 1963.
- Gardner, Richard N. Coöperation in outer space. *Foreign affairs* (New York) 41:344-359, 1963.
- Gardner, Richard N. Outer space: problems of law and power. *Department of State bulletin* (Washington) 49: 367-371, 1963.
- Goldsen, Joseph M. *ed.* Outer space in world politics. New York, F.A. Praeger [1963] 180 p.
- Haley, Andrew Gallagher. Space law and government. New York, Appleton-Century-Crofts [1963] xxiv, 584 p.
Bibliography.
- Haley, Andrew Gallagher and Mortimer D. Schwartz. *eds.* Proceedings of the Fourth Colloquium on the law of outer space (International Institute of Space Law of the International Astronautical Federation) Norman: University of Oklahoma Research Institute, 1963. 413 p.
- Ikeda, F. Need for a convention on rescue of astronauts and space vehicle. *In* International symposium on Space Technology and Science. 4th, Tokyo, 1962. Proceedings. Tokyo, 1963. p. 67-68.
- International Institute of space law. Rapport du groupe de travail sur les "principes fondamentaux du droit de l'espace." *Revue française de droit aérien* (Paris) 17:366-372, 1963.
- Jenks, Clarence Wilfred. Le droit international des espaces célestes; rapport définitif et projets de résolutions et de vœu. (Traduction). Genève, Imprimerie de la Tribune de Genève, 1963, 114 p.
- Kartha, P. K. Some legal problems concerning outer space. *Indian journal of international law* (Delhi) 3:1-43, January 1963.
- Kido, M. Some legal problems of the space age. *In* International symposium on Space Technology and Science. 4th, Tokyo, 1962. Proceedings. Tokyo, 1963. p.57-60.
- Korovin, E. A. Sovremennye problemy kosmicheskogo prava; sbornik statei [avtorov kapitalisticheskikh stran. Red. kollegiia: E. A. Korovin, E. G. Vasilevskaia i G. P. Zhukov] Moskva, Izdat. Inostranoi Litaratury, 1963. 398 p.
Contemporary problems of space law. Compilation of articles [by authors from capitalist countries]
- Kos-Rabcewicz-Zubkowski, L. Los puntos de vista soviéticos sobre el derecho internacional del espacio. *Boletín del Instituto de Derecho Comparado de México* (México) 16: 597-610, septiembre-diciembre de 1963.

- Kovalev, F. N. Problema kosmosa v OON v 1961 g. *Sovetskii ezhegodnik mezhdunarodnogo prava, 1962* (Moskva):260-262, 1963.
Discussion of space problems in the UN in 1961.
- Kraus, J. Legal aspects of space communications and space surveillance. *Journal of air law and commerce* (Dallas) 29:230-240, 1963.
- Krstić, D. Aktivnost na razradi principa kosmičkog prava. *Medunarodni problemi* (Beograd) 15: 97-102, 1963, no. 4.
Activities in elaborating principles of space law.
- Lachs, M. Outer space and coexistence. *Nuclear energy* (Wien):4-7, April-June 1963.
- Lambrechts, W. Ruimterecht en wereldvrede. *Rechtskundig Weekblad* (Antwerpen) 27: col.801-816, 1963.
- La Pradelle, P. de. Espace et relations internationales. *Revue générale de l'air* (Paris) 26:331-348, 1963, no. 4.
- McDougal, Myres S. The emerging customary law of space. *Northwestern University law review* (Chicago) 58:618-612, 1963.
- McDougal, Myres S. *and others*. Law and public order in space. New Haven, Yale University Press, 1963. xxvi, 1147 p.
- Machowski, Jacek. Prawo przelotu statków kosmicznych. O teorii stref. *Sprawy miedzynarodowe* (Warszawa) 16:63-75, grudzień 1963, no. 12.
Summaries in English and Russian of The right of innocent passage of cosmic vehicles in the light of the "theory of zones".
- Mankiewicz, R. H. Notes concernant le régime international de responsabilité pour les dommages causés par des engins spatiaux. *Revue française de droit aérien* (Paris) 17: 34-99, 1963.
- Meeker, Leonard C. Observation in space. *Department of State bulletin* (Washington) 48:746-751, 1963.
- Meeker, Leonard C. U.N. Subcommittee debates law for outer space. *Department of State bulletin* (Washington) 48:723-925, 1963.
- Menter, M. Formulation of space law. *JAG journal* (Washington) 17:25-34, 1963.
- Meyer, A., *and* G. Rehm. Behandlung der Rechtsprobleme des Weltraums durch die Vereinten Nationen (UN) seit 1959. *Zeitschrift für Luftrecht und Weltraumrechtsfragen* (Köln) 12:207-213, 1963.
- Meyer, Alex. La réalité et la nécessité de la souveraineté aérienne et la liberté de l'espace extra-atmosphérique. *Zeitschrift für Luftrecht und Weltraumrechtsfragen* (Köln) 12:2-11, 1963.
In French and German.
- Papacostas, A. B. N. International cooperation in the peaceful use of space. *Revue hellénique de droit international* (Athènes) 16:305-307, 1963.
- Poulantzas, N. M. World peace through the law of outer space. *Revue hellénique de droit international* (Athènes) 16:307-309, 1963.
- Schick, F. B. Space law and communication satellites. *Western political quarterly* (Salt Lake City, Utah) 16:14-33, March 1963.
- Schrader, G. D. Space law, problems of sovereignty and legal implications. *Oklahoma law review* (Norman, Okla.) 16:359-364, 1963.
- Schwartz, L. E. When is international space cooperation international? *Bulletin of the atomic scientists* (Chicago) 19:12-17, June 1963.
- Simsarian, James. Outer space co-operation in the United Nations. *American journal of international law* (Washington) 57:854-867, 1963.
- Sinha, S. Prakash. Le contrôle international de l'espace extra-atmosphérique. *Revue de droit contemporain* (Bruxelles) 10:24-33, 1963, no. 2.

- Sovremennye problemy kosmicheskogo prava. Moskva, Izdat, Inostrannoi Literatury, 1963. 400 p.
Contemporary problems of space law.
- Taubenfeld, H. J. The status of competing claims to use outer space: an American point of view. *Proceedings of the American Society of International Law, 57th annual meeting, Washington, D.C. 25-27 April 1963.* p. 173-186.
- Vásquez, Modesto Seara. La evolución reciente del problema del espacio cósmico en las Naciones Unidas. *Ciencias políticas y sociales (México)* 9:323-338, 1963.
- Verplaetse, Julian G. Considérations méthodologiques sur le droit de l'espace extérieur. *Revue générale de l'air (Paris)* 26:243-250, 1963.
- Verplaetse, Julian G. On the definition and legal status of spacecraft. *Journal of air law and commerce (Dallas)* 29:131-140, 1963.
- Williams, Jack H. The law of the sea: a parallel for space law. *Military law review (Washington)* 155-172, October 1963.
- Woetzel, R. K. Comments on U.S. and Soviet viewpoints regarding the legal aspects of military uses of space. *Proceedings of the American Society of International Law, 57th annual meeting, Washington, D.C. 25-27 April 1963.* p. 195-207.
- Yamamoto, S. The function of space telecommunication in cosmic international law. *In International symposium on Space Technology and Science. 4th, Tokyo, 1962. Proceedings. Tokyo, 1963.* p. 61-66.
- Zák, Vladimír. Kosmické právo a OSN. *Časopis pro mezinárodní právo (Praha)* 7:358-366, 1963.
Space law and the United Nations.
- Zhukov, G. Practical problems of space law. *International affairs (Moscow)* 9:27-30, May 1963.
- Zhukov, G. Pravovye voprosy issledovaniia kosmosa na XIII kongresse Mezhdunarodnoi astro-navticheskoi federatsii. *Pravovedenie (Leningrad)*: 186-188, 1963, no.2.
On legal aspects of outer space exploration.
- Zhukov, G. The problem of outer space law qualifications. *Proceedings of the American Society of International Law, 57th annual meeting, Washington, D.C. 25-27 April 1963.* p. 193-195.
- Zhukov, G. P. Pravovoi rezhum kosmicheskogo prostranstva na sovremennon etape. *Kosmos i mezhdunarodnoe sotrudnichestvo (Moskva)*: 1963.
The legal status of outer space.
- Zhukov, G. P. ed. *Kosmos i mezhdunarodnoe sotrudnichestvo.* Moskva, Izdat, IMO, 1963.
256 p.
Outer space and international co-operation.
- Zolotov, G. Prava i obiazannosti v kosmose. *Mezhdunarodnogo zhisn' (Moskva)*: 1963. no. 7.
Rights and duties in outer space.

Permanent sovereignty over natural resources

- Ende Boas, M. J. van. De verklaring van de Verenigde Naties inzake permanente soevereiniteit over natuurlijke hulpbronnen. *Internationale spectator ('s-Gravenhage)* 17:500-525, 1963.
- Fischer, G. La souveraineté sur les ressources naturelles. *Annuaire français de droit international, 1962 (Paris)* 8:516-528, 1963.
- Friedmann, Wolfgang and others. Social conflict and the protection of foreign investment. *Proceedings of the American Society of International Law, 57st annual meeting, Washington, D.C. 25-27 April 1963.* p. 126-146.
- Schwebel, Stephen M. The story of the U.N.'s Declaration on permanent sovereignty over natural resources. *American Bar Association journal (Chicago)* 49:463-469, 1963.

Political and security questions

- Chayes, Abram. Law and the quarantine of Cuba. *Foreign affairs (New York)* 41:550-557, April 1963.

- Christol, C. Q. and C. R. Davis. Maritime quarantine: the naval interdiction of offensive weapons and associated matériel to Cuba, 1962. *American journal of international law* (Washington) 57:525-545, 1963.
- Fenwick, C. G. The quarantine against Cuba: legal or illegal? *American journal of international law* (Washington) 57:588-592, 1963.
- Flory, Maurice. Les implications juridiques de l'affaire de Goa. *Annuaire français de droit international, 1962* (Paris) 8:476-491, 1963.
- Ganshof van der Meersch, W. J. Fin de la souveraineté belge au Congo; documents et réflexions. La Haye, Martinus Nijhoff [for] Institut Royal des Relations Internationales, 1963. 684 p.
Bibliography.
- Gelberg, Ludwik. Kryzys kubański a współczesne prawo międzynarodowe. *Sprawy międzynarodowe* (Warszawa) 16:20-39, styczeń 1963.
Summary in English of The Cuban crisis and international contemporary law.
- Giraus, Emile. L'interdiction du recours à la force; la théorie et la pratique des Nations Unies. A propos de l'affaire cubaine—La "quarantaine". *Revue générale de droit international public* (Paris) 67:501-544, 1963.
- Kanô, Tôru. Warum stimmt Österreich der Vorlage des Problems Südtirol beim Internationalen Gerichtshof nicht zu? *Kobe University law review* (Kobe):1-10, 1964, no. 3.
- La Terza, Pierluigi. La risoluzione della questione della Nuova Guinea Occidentale. *Rivista di studi politici internazionali* (Firenze) 30: 37-73, 1963.
- Leyser, Johannes. Dispute and agreement on West New Guinea. *Archiv des Völkerrechts* (Tübingen) 10:257-272, Januar 1963, Heft 3.
- MacChesney, Brunson. Some comments on the "quarantine" of Cuba. *American journal of international law* (Washington) 57:592-597, 1963.
- McDevitt, Joseph B. The United Nations Charter and the Cuban quarantine. *JAG journal* (Washington) 17:71-80, 1963.
- McDougal, Myres S. The Soviet-Cuban quarantine and self-defense. *American journal of international law* (Washington) 57:597-604, 1963.
- Meeker, Leonard C. Defensive quarantine and the law. *American journal of international law* (Washington) 57:515-524, 1963.
- Mencer, G. Základna USA na KUBĚ a Námořní blokáda. *Časopis pro mezinárodní právo* (Praha) 7:22-39, no. 1.
The United States base in Cuba and the blockade.
Summary in French.
- Monconduit, François. L'accord du 15 août 1962 entre la République d'Indonésie et le Royaume des Pays-Bas relatif à la Nouvelle-Guinée Occidentale (Irian Occidental). *Annuaire français de droit international, 1962* (Paris) 8:491-516, 1963.
- Oliver, Covey. International law and the quarantine of Cuba: a hopeful prescription for legal writing. *American journal of international law* (Washington) 57:373-377, 1963.
- Partan, Daniel G. The Cuban quarantine: some implications for self-defense. *Duke law journal* (Durham, N.C.):696-721, autumn 1963.
- Robertson, John W. Blockade to quarantine in international law. *JAG journal* (Washington) 17:87-90, 100, 1963.
- Schick, F.B. Cuba and the rule of law. *International affairs* (Moscow) 9:57-63, September 1963.
- Seligman, Eustace. The legality of U.S. quarantine action under the United Nations Charter. *American Bar Association journal* (Chicago) 49:142-145, 1963.
- Standard, William L. The United States quarantine of Cuba. *American Bar Association journal* (Chicago) 49:744-748, 1963.
- Szikszoj, Joseph Alexander. The legal aspects of the Hungarian question. Ambilly-Annemasse, Les Presses de Savoie, 1963. 219 p. Thèse. Université de Genève. Institut des Hautes Études Internationales, 1963.

Virally, Michel. A propos de l'affaire de Cuba: "diplomatie tranquille" et crises internationales. *Annuaire français de droit international*, 1962 (Paris) 8:457-475, 1963.

Wright, Quincy. The Cuban quarantine. *American journal of international law* (Washington) 57: 546-565, 1963.

Privileges and immunities

Stevenson, John R. Status of member of U.N. Mission charged with conspiracy to commit sabotage. *American journal of international law* (Washington) 57:920-921, 1963.

United States jurisdiction over representatives to the United Nations. *Columbia law review* (New York) 63:1066-1085, 1963.

Progressive development and codification of international law (in general)

Briggs, Herbert W. The work of the International Law Commission. *JAG journal* (Washington) 17:56-59,80, April-May 1963.

Dehaussy, Jacques. Travaux de la Commission du droit international des Nations Unies. *Annuaire français de droit international*, 1962 (Paris) 8:624-638, 1963.

Hazard, John N. The Sixth Committee and the new law. *American journal of international law* (Washington) 57:604-613, 1963.

Petrenko, N. XIII sessiia Komissii Mezhdunarodnogo prava OON. *Sovetskii ezhegodnik mezhdunarodnogo prava*, 1962 (Moskva): 265-266, 1963.

The thirteenth session of the UN International Law Commission.

Raton, Pierre. Travaux de la Commission Juridique de l'Assemblée Générale des Nations Unies (XVII^e session). *Annuaire français de droit international*, 1962 (Paris) 8:604-623, 1963.

Sandström, E. FN:s lagcommission och folkerättskodifikationen. *Nordisk tidsskrift for international ret og jus gentium* (København) 33:1-22, 1963, fasc. 1-2.

Schirmer, G. The work of the Commission on International Law and the Committee on Legal Questions of the United Nation's General Assembly in 1962. *German foreign policy* (Berlin) 2:300-306, 1963.

Refugees

Grahl-Madsen, Atle. Expulsion of refugees. *Nordisk tidsskrift for international ret og jus gentium* (København) 33:41-50, 1963, fasc. 1-2.

Peretz, Don. The Arab refugees: a changing problem. *Foreign affairs* (New York) 41:558-570, 1963.

Schechtman, Joseph B. The refugee in the world; displacement and integration. New York, A.S. Barnes and Co. [1963] xvi, 424 p.

Bibliography.

Regional arrangements

Halderman, J. W. Regional enforcement measures and the United Nations. *Georgetown law journal* (Washington) 52:89-118, fall 1963.

Rule of law

Bos, M. Recht en macht in de internationale betrekkingen. *Internationale spectator* ('s-Gravenhage) 17:243-247, 1963.

Cassin, R. Reflections on the rule of law. *Journal of the International Commission of Jurists* (Geneva) 4:224-242, summer 1963.

Cordier, Andrew W. The rule of law in the world community. *University of Pennsylvania law review* (Philadelphia) 111:892-910, 1963.

Luce, H. R. The rule of law: its world implementation is man's hope. *American Bar Association journal* (Chicago) 49:727-731, 1963.

Smyrniadis, Bion. La paix par le droit. *Revue hellénique de droit international* (Athènes) 16:209-235, 1963.

Stavropoulos, Constantin A. The United Nations and the "rule of law". *Revue hellénique de droit international* (Athènes) 16:322-330, 1963.

Wright, Quincy. Toward a universal law for mankind. *Columbia law review* (New York) 63:435-458, 1963.

Yalem, R. J. Toward a World Rule of law. *Background* (San Francisco) 7: 151-154, November 1963.

Self-determination

Antonowicz, Lech. Zasada samostanowienia narodów we współczesnym prawie międzynarodowym. *Sprawy międzynarodowe* (Warszawa) 16:30-53, sierpień 1963.

Summary in English of The principle of self-determination of peoples in contemporary international law.

Chernogolovkin, N. V. Krushenie kolonializma i mezhdunarodnoe pravo. Moskva, Gosizdat, 1963.

The collapse of colonialism and international law.

Barski, W. Dwa nurty w sprawie dekolonizacji; (na marginesie debaty kolonialnej na XVII sesji Zgromadzenia Ogólnego ONZ). *Sprawy międzynarodowe* (Warszawa) 16:17-37, marzec 1963.

Summary in English of Two trends with regard to decolonization.

Levin, D. B. Printsip samoopredeleniia natsii v mezhdunarodnom prave. *Sovetskii ezhegodnik mezhdunarodnogo prava, 1962* (Moskva): 25-48, 1963.

The principle of self-determination of nations in international law.

Martin, E. M. Interdependence and the principle of self-determination and non-intervention. *Department of State bulletin* (Washington) 48:710-715, 1963.

Mazrui, A. A. Consent, colonialism, and sovereignty. *Political studies* (Oxford) 11:36-55, February 1963.

Meissner, Boris. Die Sowjetische Stellung zum Selbstbestimmungsrecht der Völker. *Internationales Recht und Diplomatie, Jahrgang 1962* (Köln):37-46 [1963]

English text p. 47-55; Russian text p. 56-64.

Mensah, Thomas A. Self-determination under United Nations' auspices; the role of the United Nations in the application of the principle of self-determination for nations and peoples. [New Haven, Conn., 1963] 2v.

Diss. Yale University. Law School.

Osnitskaia, G. A. Kolonialistskie kontseptsii o polnopravnykh i nepolnopravnykh sub'ektakh mezhdunarodnogo prava b teorii i praktike imperialisticheskikh gosudarstv. *Sovetskii ezhegodnik mezhdunarodnogo prava, 1962* (Moskva) 49-63, 1963.

Colonialist concepts of equal and unequal subjects of international law in the theory and practice of imperialist States.

Rabi, Kurt. Das Selbstbestimmungsrecht der Völker. Geschichtliche Grundlagen, Umriss der gegenwärtigen Bedeutung. Ein Versuch. Bergstad-Verlag, München, 1963. 276 p.

Summary in English.

Raschhofer, Hermann. Das Selbstbestimmungsrecht in Westlicher Sicht. *Internationales Recht und Diplomatie, Jahrgang 1962* (Köln): 13-24 [1963]

English text p. 25-36.

Tuzmukhamedov, R. A. Mirnoe sosuscestvovanie i nacional'no-osvoboditel'naja vojna. *Sovetskoe gosudartsvo i pravo* (Moskva) :87-94, no. 3.

La coexistence pacifique et la guerre nationale de libération.

Ushakov, V. Krizis politiki kolonoalizma. k itogam obsuzhdeniia kolonial'noi problemy na XVII sessii General'noi Asamblei OON. *Aziia i Afrika segodnia* (Moskva): 1963, no. 4.

Colonial problems at the seventeenth session of the General Assembly.

Social defence

Kochin, N. Konsultativnaia grupa OON po preduprezhdeniiu prestupnosti i obrashcheniiu s prestupnikami. *Sovetskii ezhegodnik mezhdunarodnogo prava*, 1962 (Moskva):266-269, 1963.
UN Consultative Group on the Prevention of Crime and the Treatment of Offenders.

Vergopoulos, J. Séminaire Européen de l'ONU pour la prévention de la criminalité juvénile. *Revue pénitentiaire* (Athènes) 16:18-20, 1963.
Title in French, text in Greek.

State responsibility

Ghelmegeanu, M. Codificarea răspunderii internaționale a statelor în lumina Comisiei de drept internațional. *Studii și cercetări juridice* (București) 8:651-665, 1963.

The codification of international responsibility of states in the light of the work of the International Law Commission.

Summaries in Russian and French.

State succession

Bartoš, Milan. Rad potkomiteta Komisije UN za međunarodno pravo na kodifikaciji pravila o sukcesiji država i vlada. *Međunarodni problemi* (Beograd) 15:167-169, 1963, no. 1.

Subcommittee activities of the UN International Law Commission concerning the codification of the law of succession of States and governments.

Bokor-Szegö, Hanna. La succession des nouveaux États et les traités internationaux. *Acta juridica* (Budapest) 5:333-367, 1963.

Summaries in Russian and German.

Calfisch, L. The law of state succession—theoretical observations. *Nederlands tijdschrift voor internationaal recht* (Leyden) 10:337-366, 1963.

Dorđević, Aleksandar. Sukcesija država i neka pitanja međunarodnopravnog položaja novonastalih država. *Međunarodni problemi* (Beograd) 15:27-45, 1963, no. 3.

State succession and some perspectives for the international status of the new states.

González Campos, Julio D. Algunas consideraciones sobre los problemas de la sucesión de Estados. *Revista española de derecho internacional* (Madrid) 16:551-578, 1963. núm. 3.

González Campos, Julio D. Problemas de la sucesión de Estados en las Comisiones Fluviales Internacionales. *Revista de derecho Español y Americano* (Madrid) 8:71-93, 1963.

Guyomar, Geneviève. La succession d'États et le respect de la volonté des populations. *Revue générale de droit international public* (Paris) 67:92-117, 1963.

Krenz, Frank E. Newly independent states and the problem of state succession. *Nordisk Tidsskrift for International Ret og Jus Gentium—Acta scandinavica juris gentium* (Copenhagen) 33:97-111, 1963.

Lester, A. P. State succession and localized treaties. *Harvard International Law Club journal* (Cambridge, Mass.) 4:145-175, 1963.

Lester, A. P. State succession to treaties in the Commonwealth. *International and comparative law quarterly* (London) 12:475-507, 1963.

Monnier, Jean Philippe. La succession d'États en matière de responsabilité internationale. *Annuaire français de droit international*, 1962 (Paris) 8:65-90, 1963.

Parlavantzas, P. B. L'application de la succession d'États à l'établissement, la modification et la dissolution des liens fédératifs. *Revue hellénique de droit international* (Athènes) 16:53-77, 1963.

Paul, Vladimir. Sukcese statu a mezinárodní smlouvy. *Studie z mezinárodního práva* (Praha) 8:5-60, 1963.

State succession and international treaties.

Summary in Russian.

Statelessness

Torres Bernardez, Santiago. Conférence des Nations Unies pour l'élimination ou la réduction des cas d'apatridie dans l'avenir (Deuxième partie New York 1961). *Annuaire français de droit international*, 1962 (Paris) 8:528-556, 1963.

Treaty-making power

Iankov, A. Predeli na dogovornata pravospolbnost na OON. *Pravna mis'l* (Sofia) 7:34-51, 1963, no. 3.

Limits of the treaty-making power of the United Nations.

Trusteeship

Iunin, M. Sovet po opeke. *Sovetskii ezhegodnik mezhdunarodnogo prava*, 1962 (Moskva): 264, 1963.

Trusteeship Council [in 1961].

Kuczera, Stanislaw. Terytorium powiernicze ONZ administrowane przez USA. *Sprawy miedzynarodowe* (Warszawa) 16:111-120, marzec 1963,

The UN trust territory administrated by the USA.

Vignes, Geneviève. Les consultations populaires dans les territoires sous tutelle. *Revue générale de droit international public* (Paris) 67: 297-356, 1963.

Use of force

Brownlie, Ian. International law and the use of force by states. Oxford, At the Clarendon Press, 1963. xviii, 532 p.

Bibliography.

Chacko, C. J. International law and the concept of aggression. *Indian journal of international law* (Delhi) 3:396-412, October 1963.

Cockram, B. The United Nations and resistance to aggression. *South African law journal* (Cape Town) 80:490-504, 1963.

Henkin, Louis. Force, intervention, and neutrality in contemporary international law. *Proceedings of the American Society of International Law*, 57th annual meeting, Washington, D.C. 25-27 April 1963. p. 147-173.

Hirose, Yoshio. Historical study on the conception of the right of self-defense in international law *Boei Ronshu* (Tokio?) 2:15-60, 1963, no. 3.

Kolodin, A. L. Morskaia blokada i sovremennoe mezhdunarodnoie pravo. *Sovetskoe gosudartsvo i pravo* (Moskva) 33:92-103, aprel' 1963.

The blockade at sea and modern international law.

Kopal, V. Povinnost vystřihat se hrozby silou a použití síly v mezinárodních vztazích. *Časopis pro mezinárodní právo* (Praha) 7:185-213. 1963.

The obligation to refrain from the threat or use of force in international relations.

Summary in English.

Moriwaki, Tsunefuto. The theory of collective self-defence. *Journal of international law and diplomacy* (Tokyo) 62:42-72, 1963, no. 3.

In Japanese; summary in English.

C. INTER-GOVERNMENTAL ORGANIZATIONS RELATED TO THE UNITED NATIONS

1. General

Metzger, Stanley D. International law, trade and finance; realities and prospects. Dobbs Ferry, N. Y., 1962 [i.e. 1963] 184 p.

Papanicolaou, E. E. Coopération internationale et développement économique. Genève, Droz, 1963. 356 p.

Bibliography.

2. Particular organizations

Food and Agriculture Organization of the United Nations

Bernardini, A. Accordo e contratto di sede tra Italia e F.A.O. *Rivista di diritto internazionale* (Milano) 46:26-40, 1963.

General Agreement on Tariffs and Trade

Dam, Kenneth W. Regional economic arrangements and the GATT: the legacy of a misconception. *University of Chicago law review* (Chicago) 30:615-665, 1963.

Schiavone, Giuseppe. Uguaglianza di trattamento e clausola della nazione più favorita nell'Accordo generale sulle tariffe doganali e sul commercio (GATT). *Rivista di diritto internazionale* (Milano) 46:366-387, 1963.

Sekulić, L. Diskusija u GATTu o preferencijalnom tretmanu zemalja u razvoju. *Medunarodni problemi* (Beograd) 15:89-95, 1963, no. 4.

Discussions in GATT on the preferential treatment of developing countries.

Steinberger, Helmut. GATT und regionale Wirtschaftszusammenschlüsse; eine Untersuchung der Rechtsgrundsätze des Allgemeinen Zoll- und Handelsabkommens vom 30. Oktober 1947 (GATT) über die Bildung regionaler Wirtschaftszusammenschlüsse. Köln, Carl Heymanns Verlag, 1963. 248 p. (Beiträge zum ausländischen öffentlichen Recht und Völkerrecht, 41)

Bibliography.

Sukijasović, M. Povlastice u današnjoj organizaciji međunarodne trgovine. *Medunarodni problemi* (Beograd) 15:51-70, 1963, no. 1.

Favours in the contemporary organizational pattern of world trade.

White, E. W. Problemi svetske trgovine i uloga GATT-a. *Medunarodni problemi* (Beograd) 15:139-144 1963, no. 4.

Problems of international trade and the rôle of GATT.

Inter-Governmental Maritime Consultative Organization

Johnson, D. H. N. I.M.C.O., the first four years (1959-1962). *International and comparative law quarterly* (London) 12:31-55, 1963.

Simmonds, K. R. The Constitution of the Maritime Safety Committee of IMCO. *International and comparative law quarterly* (London) 12:56-87, 1963.

International Atomic Energy Agency

Albonetti, Achille. La collaborazione nucleare internazionale. Bologna, Cappelli, 1963. 271 p.

Belser, W. Atomversicherungsrechtliche Fragen unter Berücksichtigung der internationalen Konventionen. Göttingen, Verlag Otto Schwartz, 1963. 88p.

Bonte, E. La limitation de la responsabilité des propriétaires et exploitants de navires conventionnels et nucléaires. *Journal des tribunaux* (Bruxelles) 78:541-550; 561-570, 1963.

Colliard, Claude-Albert. La Convention de Bruxelles relative à la responsabilité des exploitants de navires nucléaires. *Annuaire français de droit international, 1962* (Paris) 8:41-64, 1963.

Erler, Georg. Die Rechtsentwicklung der internationalen Zusammenarbeit im Atombereich. Göttingen, Verlag Otto Schwartz, 1963. 50p.

Hardy, Michael. The liability of operators of nuclear ships. *International and comparative law quarterly* (London) 12:778-788, 1963.

Khlestov, O. N. Soveshchaniia 1961 g. po voprosu ob udalenii radioaktivnykh otkhodov v more. *Sovetskii ezhegodnik mezhdunarodnogo prava, 1962* (Moskva):274-276, 1963.

The 1961 Conference on the disposal of radioactive waste into the sea.

Könz, Peider. The 1962 Brussels Convention on the liability of operators of nuclear ships. *American journal of international law* (Washington) 57:100-111, 1963.

Krstić, D. O pravnim vidovima mirnodopskog korišćenja nuklearne energije. *Medunarodni problemi* (Beograd) 15:67-72, 1963, no. 4.

Legal aspects of the peaceful use of nuclear energy.

- Nordenson, U. K. Nya atomansvarighetskonventioner. *Svensk juristtidning* (Stockholm) 48:559-565, 1963.
- Piérard, J. P. Responsabilité civile, énergie atomique et droit comparé. Bruxelles, Établissements Emile Bruylant, 1963. 487 p.
- Vilkov, G. Konventsiia ob otvetstvennosti operatorov iadernykh sudov. *Sovetskii ezhegodnik mezhdunarodnogo prava, 1962* (Moskva): 271-273, 1963.
The Convention on the liability of operators of nuclear ships.
- Wolff, Karlfriz. The legal and factual problems of international security control in the field of nuclear energy. *Diritto ed economia nucleare* (Roma) 4: [1963] no. 2.
Text in English, French, German and Italian.
- International Civil Aviation Organization*
- Bacelli, Guido Rinaldi. Standardization of bilateral agreements; la cooperazione giuridica internazionale e gli accordi aeronautici bilaterali. Padova, CEDAM, 1963. 139 p. (Rome. Università. Istituto di Diritto della Navigazione. Documentazioni, 1)
- Billyou, De Forest. Air law, comp. with comments [New York, The author] 1963. 608 p.
- Cartou, Louis. Droit aérien. Paris, Presses Universitaires de France, 1963. 404 p.
Bibliography.
- Fitzgerald, Gerald F. The development of international rules concerning offenses and certain other acts committed on board aircraft. *Canadian yearbook of international law 1963* (Vancouver) 1:230-251, 1963.
- Kean, A. W. G. and H. Marking. Interchange, the legal point of view. *Journal of the Royal Aeronautical Society* (London) 67:514-522, 1963.
- Koutalidis, Tryfon J. The new Guadalajara Convention. *Revue hellénique de droit international* (Athènes) 16:285-293, 1963.
- Le Goff, Marcel. La Convention complémentaire de Varsovie et la Conférence de Guadalajara. *Revue française de droit aérien* (Paris) 17: 21-33, 1963.
- Mankiewicz, R. H. Aéronefs internationaux. *Annuaire français de droit international, 1962* (Paris) 8:685-717, 1963.
- Mankiewicz, R. H. Air law conventions and the new States. *Journal of air law and commerce* (Dallas) 29:52-64, 1963.
- Mankiewicz, R. H. Die Anwendung des Warschauer Abkommens. *Rabels Zeitschrift für ausländisches und internationales Privatrecht* (Tübingen) 27:456-477, Mai 1963, Heft 3.
- Mankiewicz, R. H. Organisation de l'Aviation Civile Internationale. *Annuaire français de droit international, 1962* (Paris) 8:675-684, 1963.
- Milde, Michael. Novéunifikace právních otázek mezinárodního letecké dopravy. *Studie z mezinárodního práva* (Praha) 8:111-147, 1963.
New unification of legal problems arising from international air transport.
Summary in Russian.
- Milde, Michael. The problems of liabilities in international carriage by air. Prague, Acta Universitatis Carolinae, 1963. 142 p.
- Moon, Albert I. A look at airspace sovereignty. *Journal of air law and commerce* (Dallas) 29: 328-345, 1963.
- Pourcelet, M. Transporteur contractuel et transporteur de fait dans la Convention de Guadalajara. *McGill law journal* (Montreal) 9:317-336, 1963.
- Schuldt, E. Luftpiraterie und Strafrecht. *Flugwelt* (Wiesbaden) 15:332- , 1963.
- Tavelli Fernandez, U. and Aulet García, A. M. El Convencio de Guadalajara complementario del de Varsovia. *Revista nacional aeronáutica y espacial*. 23:38, 1963, no. 254.
- Verploeg, Elias A. G. The road towards a European air market. Civil aviation and European integration. Utrecht, Uitgeverij en Zn, N. V., 1963. 242 p.
Thesis.

Wilberforce, Sir Richard. Crime in aircraft. *Journal of the Royal Aeronautical Society* (London) 67:175-183, 1963.

Zylicz, Marek. Organizacja Międzynarodowego Lotnictwa Cywilnego (ICAO). *Sprawy międzynarodowe* (Warszawa) 16:84-94, wrzesień 1963.

International Civil Aviation Organization.

International Labour Organisation

Bahramy, Ahmad-Ali. La législation internationale du travail et son influence sur le droit iranien. Aspects internationaux du problème économique et social. Genève, Librairie Droz, 1963. 299 p.

Bordadyn, A. Mezhdunarodnaia Organizatsiia Truda i velenie vremeni. *Sotsialisticheskii trud* (Moskva) 8:21-29, noiabr' 1963.

The ILO and the call of time.

On the 47th session of the International Labour Conference.

Bystricky, R. and A. Sarman. Právo pracovní a mezinárodní. *Studie z mezinárodního práva* (Praha) 8:61-109, 1963.

Labour law and international law.

Summary in English.

[Ch. R.] Tribunal administratif de L'Organisation internationale du Travail; jugement n° 61 du 4 septembre 1962, affaire Lindsey. *Revue générale de droit international public* (Paris) 67:407-416, 1963.

Institut Japonais du travail. L'O.I.T. et le progrès social. Tokyo, 1963. 118 p.

In Japanese.

Jenks, Clarence Wilfred. Law, freedom and welfare. London, Stevens and Sons, 1963. 162 p.

Klein, L.R. The International Labor Conference of 1963. *Monthly labor review* (Washington) 86:914-919, 1963.

Lemoine, Jacques. Tribunal administratif de l'O.I.T.; le contrôle judiciaire des modifications des conditions de service des fonctionnaires internationaux. *Annuaire français de droit international, 1962* (Paris) 8:407-426, 1963.

Nakayama, Kazukise. I.L.O. and the fundamental rights of labour. Tokyo, 1963. 282 p.

In Japanese.

Salah-Bey, Anisse. L'Organisation internationale du Travail et le syndicalisme mondial, 1945-1960. Paris, Librairie Médicis, 1963. 279 p. (Algiers. Université. Faculté de Droit et de Sciences Economiques. Bibliothèque, 41)

International Monetary Fund

Gold, Joseph. The law and practice of the International Monetary Fund with respect to "stand-by arrangements". *International and comparative law quarterly* (London) 12:1-30, 1963.

Gold, Joseph. Das Währungsabkommen von Bretton Woods vom 22.7.1944 in der Rechtsprechung. *Rabels Zeitschrift für ausländisches und internationales Privatrecht* (Tübingen) 27:606-665, Dezember 1963, Heft 4.

International Telecommunication Union

Glazer, J.H. *Infelix* ITU; the need for space-age revisions to the International Telecommunication Convention. *Federal bar journal* (Washington) 23:1-36, winter 1963.

Moreira da Silva, M. Las interferencias radiofónicas en el derecho internacional. *Revista española de derecho internacional* (Madrid) 16: 94-114, 1963.

Sörensen, Max. "Pirate broadcasting" from the high seas. In *Legal essays; a tribute to Frede Castberg on the occasion of this 70th birthday*. [Oslo] Universitetsforlaget [1963] p. 319-331.

United Nations Educational, Scientific and Cultural Organisation

De Sanctis, Valerio. La Convenzione Internazionale per la protezione degli artisti interpreti o esecutori, dei produttori di fonogrammi e degli organismi di radiodiffusione. Roma, S.I.A.E., 1963.

Evans, Luther H. Some management problems of UNESCO. *International organization* (Boston) 17:76-91, Winter 1963.

Kukarenko, F. Rassmotrenie iuridicheskikh voprosov v organizatsii ob'edinennykh natsii po voprosam prosveshcheniia nauki i kultury v 1961 g. *Sovetskii ezhegodnik mezhdunarodnogo prava, 1962* (Moskva):276-280, 1963.

Legal questions in UNESCO, as discussed in 1961.

Lefranc, Olivier. Les problèmes juridiques posés devant la XII^e session de la Conférence générale de l'U.N.E.S.C.O. (novembre-décembre 1962) *Annuaire français de droit international, 1962* (Paris) 8:638-675, 1963.

*Universal Postal Union**

Bäckström, Sven. The Consultative Committee of Postal Studies in 1962. *Union Postale* (Berne) 88:14A-16A, January 1963, no. 1.

Koller, Fritz. The annual session of the Executive and Liaison Committee, 1963. *Union Postale* (Berne) 88:126A-129A, September 1963, no. 9.

Rahi, M. The Universal Postal Union, its tasks and its working as a Specialized Agency. *Union Postale* (Berne) 88:7A-14A, January 1963, no. 1.

Weber, Edouard. The Universal Postal Union and its restricted unions. *Union Postale* (Berne) 88:4A-6A, January 1963, no. 1.

Weber, Edouard. The UPU to-day and tomorrow. *Union Postale* (Berne) 88:115A-119A, August 1963, no. 8.

World Health Organization

Calderwood, Howard B. The World Health Organization and its regional organizations. *Temple law quarterly* (Philadelphia) 37:15-27, 1963.

Gutteridge, Frank. The World Health Organization: its scope and achievements. *Temple law quarterly* (Philadelphia) 37:1-14, 1963.

Kukarenko, F. Rassmotrenie iuridicheskikh voprosov vo Vsemirnoi organizatsii zdravookhraneniia v 1961 g. *Sovetskii ezhegodnik mezhdunarodnogo prava, 1962* (Moskva): 269-271, 1963.

Legal questions in WHO, as discussed in 1961.

World Meteorological Organization

Kukarenko, F. Rassmotrenie iuridicheskikh voprosov vo Vsemirnoi Meteorogicheskoi Organizatsii v 1961 g. *Sovetskii ezhegodnik mezhdunarodnogo prava, 1962* (Moskva): 282-284, 1963.

Legal questions in WMO, as discussed in 1961.

Okularczyk, Halina. Swiatowa Organizacja Meteorologiczna—WMO. *Sprawy miedzynarodowe* (Warszawa) 16:113-122, grudzień 1963.

World Meteorological Organization.

* *Union postale* (Berne) is published in French, German, English, Arabic, Chinese, Spanish and Russian.

