UNITED NATIONS JURIDICAL YEARBOOK 1965

UNITED NATIONS — NEW YORK

ST/LEG/SER.C/3

UNITED NATIONS PUBLICATION

Sales No.: 67. V. 3

Price: $U.S. 4.50
(or equivalent in other currencies)

CONTENTS

CONTENTS (continued)

CONTENTS (continued)

CONTENTS (continued)

CONTENTS (continued)

CONTENTS (continued)

CONTENTS (continued)

CONTENTS (continued)

CONTENTS (continued)

CONTENTS (continued)

CONTENTS (continued)

CONTENTS (continued)

CONTENTS (continued)

CONTENTS (continued)

CONTENTS (continued)

CONTENTS (continued)

CONTENTS (continued)

CONTENTS (continued)

CONTENTS (continued)

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 certain documentary materials of a legal character concerning the United Nations and related inter-governmental organizations.

Accordingly, chapters I and II of the present volume—the third of the series—contain legislative texts and treaty provisions relating to the legal status of the United Nations and related inter-governmental organizations. With a few exceptions, the legislative texts and treaty provisions which are included in these two chapters entered into force in 1965. Decisions given during 1965 by international and national tribunals relating to the legal status of the various organizations will be found in chapters VII and VIII.

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

Chapter IV is devoted to treaties concerning international law concluded under the auspices of the organizations concerned during the year in question, whether or not they entered into force in that year. Owing to limitation of space, however, it has not been possible to reproduce the text of the IMCO Convention of 9 April 1965 on Facilitation of International Maritime Traffic.

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 they thought best suited to the material.

Finally, the bibliography in chapter X lists works and articles of a legal character published in 1965 regardless of the period to which they refer. Some works and articles which were not included in the bibliographies of the *Juridical Yearbooks* for 1963 and 1964 have also been listed.

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

ABBREVIATIONS

BANK	International Bank for Reconstruction and Development
FAO	Food and Agriculture Organization of the United Nations
FUND	International Monetary Fund
GATT	General Agreement on Tariffs and Trade
IAEA	International Atomic Energy Agency
ICAO	International Civil Aviation Organization
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 in the Congo
UNCTAD	United Nations Conference on Trade and Development
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. Canada

PRIVILEGES AND IMMUNITIES (INTERNATIONAL ORGANIZATIONS) ACT

An Act[1] *to amend the Privileges and Immunities* (*United Nations*) *Act*

Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

1. The long title of the *Privileges and Immunities* (*United Nations*) *Act*[2] is repealed and the following substituted therefor:

"An Act to provide for Privileges and Immunities in respect of the United Nations and International Organizations."

2. Section 1 of the said Act is repealed and the following substituted therefor:

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

3. (1) Subsection (1) of section 3 of the said Act is repealed and the following substituted therefor:

"3. (1) For the purposes of this section, the expression 'organization' means

(*a*) any specialized agency of which Canada is a member that is brought into relationship with the United Nations in accordance with Article 63 of the Charter of the United Nations; and

(*b*) any international organization of which Canada is a member, the primary purpose of which is the maintenance of international peace or the economic or social well-being of the community of nations."

(2) Subsection (2) of section 3 of the said Act is amended by striking out the word "and" at the end of paragraph (*c*) thereof, by adding the word "and" at the end of paragraph (*d*) thereof and by adding thereto the following paragraph:

"(*e*) such experts performing missions for an organization as may be designated by the Governor in Council shall, to such extent as may be specified in the order, have the privileges and immunities set forth in Article VI of the Convention for experts on missions for the United Nations."

---

[1] 13-14 Elisabeth II, chap. 47. Assented to on 18 March 1965.

[2] 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. 10.

2. Iran

(*a*) SECTION 37 OF THE LAW OF BUDGET FOR THE YEAR 1344 [21 MARCH 1965-20 MARCH 1966] CONCERNING THE GRANTING OF PRIVILEGES AND IMMUNITIES TO FOREIGN EXPERTS[3]

The Government is hereby authorized to exempt foreign experts expedited to Iran with the agreement of the Imperial Government through the technical, economic, scientific and cultural programmes on the basis of reciprocal treatment as well as the foreign experts expedited to Iran by the International Agencies, for the period of their service in Iran by virtue of the regulations which shall be set forth by the Ministry of Foreign Affairs and approved by the Parliamentary Finance Commissions, from payment of income taxes on their salaries or such remunerations which they receive from their respective governments or International Agencies. They shall also be exempted from payment of charges attributed to the issuance of work permit, customs and non-custom duties, as well as commercial profit charges levied on the personal or household effects of their own and their family, including the import of one motor vehicle.

(*b*) PRIME MINISTER'S LETTER NO. 33874 DATED 23.9.1343 [14 DECEMBER 1964] TO THE MINISTRY OF FOREIGN AFFAIRS CONCERNING THE EXEMPTION FROM AIRPORT CHARGES OF THE BEARERS OF UNITED NATIONS "*Laissez-Passer*"[3]

"Upon the proposal of the Ministry of Foreign Affairs, No. 21/4618/25881 dated 15.9.43 [6 December 1964], the Council of Ministers, at its session of 23.9.1343 [14 December 1964], resolved that the provisions of paragraph (*a*), section 3, of the Council's Decree No. 28202 dated 16.9.1340 [7 December 1961] should, for the purpose of exemption from airport charges, apply to the bearers of "*Laissez-Passer*" issued by the United Nations or holders of certificates issued on the basis of such "*Laissez-Passer*".

The original copy of this decree is kept
in the Office of the Prime Minister.

---

3. Malawi

(*a*) THE IMMUNITIES AND PRIVILEGES (EXTENSION AND MISCELLANEOUS PROVISIONS) ORDINANCE[4]

(No. 10 OF 1964)

ORDER

(Under Section 6)

IN EXERCISE of the powers conferred on me by section 6 of the Immunities and Privileges (Extension and Miscellaneous Provisions) Ordinance, I, HASTINGS KAMUZU BANDA, Prime Minister and Minister of External Affairs, do order that the immunities and privileges set out in Part II of the Fourth Schedule to the said Ordinance shall apply to the representative of the World Health Organization of the United Nations specified in the Schedule hereof.

ZOMBA, 21st May, 1965
(EA./12/9/07)

H. KAMUZU BANDA
Prime Minister and
Minister of External Affairs

---

[3] Translation kindly furnished by the Government of Iran.

[4] *Juridical Yearbook*, 1964, p. 12.

SCHEDULE

DR. L. ROBERTS

World Health Organization Representative, Lusaka

(*b*) THE IMMUNITIES AND PRIVILEGES (EXTENSION AND MISCELLANEOUS PROVISIONS) ORDINANCE, 1964 [5]

(No. 10 OF 1964)

ADDITION TO THIRD SCHEDULE

(Under Section 6 (2))

IN EXERCISE of the powers conferred upon me by subsection (2) of section 6 of the Immunities and Privileges (Extension and Miscellaneous Provisions) Ordinance, 1964, I, HASTINGS KAMUZU BANDA, Minister of External Affairs, hereby order that the following names shall be added, in their appropriate alphabetical order, to the list of international organizations set forth in the Third Schedule to that Ordinance—

The Inter-Governmental Maritime Consultative Organization
The International Atomic Energy Agency
The International Refugee Organization
The International Telecommunication Union
The Universal Postal Union
The World Meteorological Organization.

Made at Zomba this 31st day of July, 1965.

H. KAMUZU BANDA
Minister of External Affairs

(*c*) THE IMMUNITIES AND PRIVILEGES (EXTENSION AND MISCELLANEOUS PROVISIONS) ORDINANCE [6]

(No. 10 OF 1964)

NOTICE

(Under Section 6)

IN EXERCISE of the powers conferred on me by section 6 of the Immunities and Privileges (Extension and Miscellaneous Provisions) Ordinance, I, HASTINGS KAMUZU BANDA, Minister of External Affairs, do order that the immunities and privileges set out in Part II of the Fourth Schedule to the said Ordinance shall apply to the representatives of the United Nations specified in the Appendix hereto, and that the immunities and privileges set out in Part III of the Fourth Schedule to the said Ordinance shall apply to the officers and servants of the United Nations, the Food and Agriculture Organization and the United Nations Educational, Scientific and Cultural Organization specified in the Second Appendix hereto.

General Notice No. 95 of 1965 is hereby revoked.

Made at Zomba this 14th day of November, 1965.

(E.A./12/1/03)

H. KAMUZU BANDA
Prime Minister and
Minister of External Affairs

United Nations Technical Assistance Board and Special Fund

First Appendix
[Names omitted]

Second Appendix
[Names omitted]

---

[5] *Ibid.*

[6] *Ibid.*

4. Netherlands

MINISTERIAL ORDER OF 21 JANUARY-9 FEBRUARY 1965 EXEMPTING THE PERSONNEL OF CERTAIN INTERNATIONAL ORGANIZATIONS FROM PARTICIPATION IN NATIONAL INSURANCE SCHEMES[7]

THE MINISTER FOR SOCIAL AFFAIRS AND PUBLIC HEALTH

and

THE MINISTER FOR FOREIGN AFFAIRS,

having considered Article 2, para. (*e*) of the Royal Decree of 17 January 1963 (*Bulletin of Acts, Orders and Decrees No. 24*) and Article 2, para. (*e*) of the Royal Decree of 17 January 1963 (*Bulletin of Acts, Orders and Decrees No. 25*),

DO HEREBY DECREE:

Article 1

The following are hereby designated as international organizations within the meaning of Article 2, para. (*e*) of the Royal Decree of 17 January 1963 (*Bulletin of Acts, Orders and Decrees No. 24*) and Article 2, para. (*e*) of the Royal Decree of 17 January 1963 (*Bulletin of Acts, Orders and Decrees No. 25*):

a. The United Nations;
b. The International Court of Justice;
c. The Permanent Court of Arbitration;
d. Shape Technical Centre;
e. The Hague Conference for Private International Law;
f. The International Patents Institute.

Article 2

This Order is retroactive to 1 January 1963.

The Hague, 21 January 1965/9 February 1965

The Minister for Social Affairs and Public Health
G. VELDKAMP

The Minister for Foreign Affairs
J. M. A. H. LUNS

This Order will be published in the *Netherlands Government Gazette.*

Note. The General Old Age Pensions Act of 31 May 1956 (*Bulletin of Acts, Orders and Decrees No. 281*), the General Widows' and Orphans' Pensions Act of 9 April 1959 (*Bulletin of Acts, Orders and Decrees No. 139*) and the General Family Allowances Act of 26 April 1962 (*Bulletin of Acts, Orders and Decrees No. 160*) lay down regulations concerning the compulsory participation of the entire population of the country in: (1) a national insurance scheme providing against the financial consequences of old age; (2) a national insurance scheme providing for widows' and orphans' pensions; (3) a national insurance scheme providing for family allowances. The Family Allowances for Wage-earners Act of 23 December 1939 (*Bulletin of Acts, Orders and Decrees No. 806*) regulates the provision of family allowances for workers.

All these Acts provide that the categories of insured persons may be extended or limited by or in pursuance of a General Administrative Order and, *inter alia*, that those to whom a comparable Order outside the Kingdom of the Netherlands applies may be excepted from the categories of insured

[7] Translation kindly furnished by the Government of the Netherlands.

persons, that is, persons residing only temporarily in the Kingdom of the Netherlands or employed there temporarily, together with their wives and families.

Article 2, paragraph (*e*) of the Decree of 17 January 1963 (*Bulletin of Acts, Orders and Decrees No. 24*), establishing a General Administrative Order as referred to above, provides that the following persons shall not be regarded as insured under the terms of the General Old Age Pensions Act, the General Widows' and Orphans' Pensions Act and the General Family Allowances Act:

> "Those who cannot be regarded as permanently resident in the Kingdom and who, for duties performed within the Kingdom, receive salary or wages from international organizations designated by Our Ministers for Social Affairs and Public Health and for Foreign Affairs."

Article 2, paragraph (*e*) of the Decree of 17 January 1963 (*Bulletin of Acts, Orders and Decrees No. 25*) contains an identical provision regarding the Family Allowances for Wage-earners Act.

---

5. New Zealand

THE DIPLOMATIC PRIVILEGES (UNITED NATIONS) ORDER 1959,[8] AMENDMENT NO. 1

Bernard FERGUSSON, Governor-General

ORDER IN COUNCIL

At the Government Buildings at Wellington this 22nd day of February 1965

Present:

THE RIGHT HON. KEITH HOLYOAKE, C.H., PRESIDING IN COUNCIL

PURSUANT to the Diplomatic Immunities and Privileges Act 1957,[9] His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby makes the following order.

1. This order may be cited as the Diplomatic Privileges (United Nations) Order 1959, Amendment No. 1, and shall be read together with and deemed part of the Diplomatic Privileges (United Nations) Order 1959* (hereinafter referred to as the principal order).

2. Clause 11 of the principal order is hereby amended by inserting, after subclause (1), the following subclause:

> "(1A) In subclause (1) of this clause the term 'representatives of the Governments of members' includes representatives of Governments of members or associate members of the Economic Commission for Asia and the Far East."

*S.R. 1959/51

---

[8] 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. 65.

[9] *Ibid.*, p. 55.

6. Poland

ARTICLES 1111 AND 1112 OF THE CODE OF CIVIL PROCEDURE OF 17 NOVEMBER 1964 EXEMPTING CERTAIN PERSONS FROM THE OBLIGATION TO APPEAR BEFORE POLISH COURTS[10]

Article 1111. 1. The following foreigners may not be summoned to appear before Polish courts:

(1) Diplomatic envoys of foreign States accredited to the Polish People's Republic;

(2) Members of the diplomatic staffs of diplomatic missions of foreign States in the Polish People's Republic;

(3) Other persons entitled to diplomatic immunities by virtue of any statute, agreement or universally recognized international custom;

(4) Members of the family of any person specified in sub-paragraphs (1), (2) and (3) with whom that person maintains a common household.

2. The rules of the preceding paragraph are not applicable to the persons mentioned therein in relation to:

(1) Cases involving private immovable property situated in Poland, unless this property is in possession of the persons concerned on behalf of the sending State or of the appropriate international organization;

(2) Cases concerning inheritance in which the persons concerned act as heirs, legatees, executors of wills, administrators or curators of the inheritance in private capacity and not on behalf of the sending State or the appropriate international organization;

(3) Cases relating to any kind of professional or business activities of the persons concerned, performed by them in Poland outside their official functions.

Article 1112. 1. The following persons may not be summoned to appear before Polish courts in cases coming within activities performed by them in the exercise of their duties:

(1) Officials discharging consular functions on behalf of foreign States irrespective of their nationality;

(2) Foreigners being administrative and technical employees of diplomatic missions and consular offices of foreign States in the Polish People's Republic or members of the service personnel of diplomatic missions and other persons assimilated to them by virtue of any statute, agreement or universally recognized international custom.

2. The rules of the preceding paragraph are not applicable to officials fulfilling consular functions and to administrative and technical staff of consular offices in case complaints have been submitted against these persons for redress of damages occasioned in Poland by any vehicle, sea- or river-going ship or aircraft.

Note. The category of "other persons entitled to diplomatic immunities by virtue of any statute, agreement or universally recognized international custom" comprises among others officials of international organizations, including the United Nations, of the specialized agencies and of the International Atomic Energy Agency, provided that the appropriate international agreements, binding upon Poland, include provisions granting diplomatic immunities to the officials of the above-mentioned organizations.

---

[10] *Dziennik Ustaw*, 1964, No. 43, section 296. Came into force on 1 January 1965. Translation kindly furnished by the Government of Poland.

7. Thailand

AN ACT CONCERNING TAXES ON FUEL OIL AND OTHER PETROLEUM PRODUCTS PRODUCED WITHIN THE KINGDOM (NO. 2) B.E. 2508 [1965][11]

BHUMIBOL ADULYADEJ P.R.

Given on the 28th Day of February B.E. 2508 [1965]

Being the 20th year of the Present Reign.

By Royal Command of His Majesty King Bhumibol Adulyadej, it is hereby proclaimed that

Whereas it is considered fitting to amend the Act concerning Taxes on Fuel Oil and other Petroleum Products, produced within the Kingdom B.E. 2507 [1964],[12]

His Majesty the King, with the advice and consent of the Constituent Assembly, acting as the Legislative Assembly, is graciously pleased to adopt the following Act:—

Section 1. This Act shall be called "An Act concerning Taxes on Fuel Oil and other Petroleum Products, produced within the Kingdom (No. 2) B.E. 2508 [1965]."

Section 2. This Act shall come into force on the day following the date of its publication in the *Government Gazette.*

Section 3. The following shall be read as sub-sections (3) and (4) of Section 8[13] of the Act concerning Taxes on Fuel Oil and other Petroleum Products, produced within the Kingdom B.E. 2507 [1964]:

(3) All fuel oils and petroleum products, given to the Government of Thailand by governments of foreign countries or by any international organizations or used in any aid project in accordance with an agreement between the Government of Thailand and such foreign governments or international organizations;

(4) Benzine and lubricating oil used in vehicles belonging to:

(*a*) diplomatic or consular missions and members of the staff thereof having the diplomatic or consular rank under international law or international agreements; the privilege shall be on the basis of reciprocity;

(*b*) international organizations operating in Thailand in accordance with legislation concerning the operation of the international organizations in Thailand and members of their staff who enjoy exemption of custom duties as granted to persons having diplomatic rank in accordance with agreements concluded between the Government of Thailand and such international organizations;

(*c*) persons enjoying exemption of custom duties as granted to persons having diplomatic rank in accordance with an agreement between the Government of Thailand and the government of a foreign country.

---

[11] *Government Gazette*, vol. 82, part 23, dated 16 March B.E. 2508 [1965]. Translation kindly furnished by the Government of Thailand.

[12] *Ibid.*, vol. 81, part 43, dated 12 May 2507 [1964].

[13] *Section 8.* Exemption and the refund of taxes may be granted to producers of fuel oil and petroleum products in accordance with the principles laid down in the Ministerial Regulations in the following cases:

(1) Fuel oil and petroleum products which are to be exported;

(2) Fuel oil and petroleum products used for the re-filling of aircraft which the customs authority has granted permit to export.

Section 4. The following shall be read as *Section 15 (bis)* of the Act concerning Taxes on Fuel Oil and other Petroleum Products, produced within the Kingdom B.E. 2507 [1964]:

"*Section 15 (bis).* The Director-General of the Excise Department is authorised to hear cases involving any infringement of this Act which carries only a penalty of fine and such cases shall be deemed to have been properly adjudicated."

Countersigned by
Field Marshal Thanom KITTIKACHORN
Prime Minister

---

8. Trinidad and Tobago

PRIVILEGES AND IMMUNITIES (DIPLOMATIC, CONSULAR, AND INTERNATIONAL ORGANIZATIONS) ACT, 1965.

AN ACT to[14] confer certain privileges and immunities on members of the diplomatic services, the consular services and on the Specialized Agencies of the United Nations by giving the force of law to certain articles of the Vienna Convention on Diplomatic Relations,[15] the Vienna Convention on Consular Relations, the Convention on the Privileges and Immunities of the United Nations[16] and the Convention on the Privileges and Immunities of the Specialized Agencies of the United Nations,[17] and for purposes connected therewith.

BE IT ENACTED by the Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and House of Representatives of Trinidad and Tobago, and by the authority of the same, as follows:—

1. This Act may be cited as the Privileges and Immunities (Diplomatic, Consular, and International Organizations) Act, 1965.

2. In this Act—

"Minister" means the Minister to whom responsibility for external affairs has been assigned;

"the convention" means the Convention on the Privileges and Immunities of the Specialized Agencies approved by the General Assembly of the United Nations on the 21st day of November, 1947;

...

"the General Convention" means the Convention on the Privileges and Immunities of the United Nations adopted by the General Assembly of the United Nations on the 13th day of February, 1946;

...

[14] No. 23 of 1965. Assented to on 16 November 1965.
[15] United Nations, *Treaty Series*, vol. 500, p. 95.
[16] *Ibid.*, vol. 1, p. 15.
[17] *Ibid.*, vol. 33, p. 261.

Part III

Privileges and Immunities of the United Nations

7. (1) Subject to this Act, the Articles set out in the Third Schedule being Articles of the General Convention shall have the force of law in Trinidad and Tobago and shall be construed in accordance with the provisions of this section.

(2) In the Articles referred to in subsection (1)—

(*a*) the reference in Article 1 to the effect that the United Nations shall possess juridical personality shall be construed as meaning that the United Nations is a body corporate within the meaning of section 19 of the Interpretation Act, 1962;

(*b*) the term "a national" in relation to Trinidad and Tobago shall be construed as meaning a citizen of Trinidad and Tobago or any person entitled to be registered as such.

Part IV

Privileges and Immunities of the Specialized Agencies of the United Nations

8. (1) Subject to this Act, the Articles set out in the Fourth Schedule being Articles of the Convention shall have the force of law in Trinidad and Tobago and shall be construed in accordance with the provisions of this section.

(2) In the Articles referred to in subsection (1)—

(*a*) the reference in section 3 of Article II to the effect that the Specialized Agencies shall possess juridical personality shall be construed as meaning that the Specialized Agencies are bodies corporate within the meaning of section 19 of the Interpretation Act, 1962;

(*b*) the term "a national" in relation to Trinidad and Tobago shall be construed as meaning a citizen of Trinidad and Tobago or any person entitled to be registered as such.

...

Part VI

General

11. If in any proceedings any question arises whether or not any person is entitled to any privilege or immunity under this Act, a certificate issued by or under the authority of the Minister stating any fact relating to that question shall be conclusive evidence of that fact.

12. (1) No person shall assume or use in connection with any trade, business, calling or profession, the name, official seal or emblem of the United Nations or any of its Specialized Agencies or any seal or emblem so nearly resembling any such seal or emblem as to be likely to deceive.

(2) A facsimile copy of each seal and emblem in relation to which subsection (1) applies shall be published in the *Gazette*.

(3) Evidence of any seal or emblem in relation to which subsection (1) applies may be given by the production of the *Gazette* purporting to contain a copy of the seal or emblem.

(4) Any person who contravenes subsection (1) is guilty of an offence and liable on summary conviction to a fine of five hundred dollars or to imprisonment for one year or to both such fine and imprisonment.

13. The Governor-General may make regulations prescribing all matters which may be necessary for giving effect to this Act.

14. The Diplomatic Privileges (Extension) Ordinance is hereby repealed.

Schedules

Third Schedule

(Section 7)

ARTICLES OF THE CONVENTION ON THE PRIVILEGES AND IMMUNITIES OF THE UNITED NATIONS HAVING THE FORCE OF LAW IN TRINIDAD AND TOBAGO

[Text of the Convention with the exception of the preamble, section 17 and sections 28-36]

Fourth Schedule

(Section 8)

ARTICLES OF THE CONVENTION ON THE PRIVILEGES AND IMMUNITIES OF THE SPECIALIZED AGENCIES HAVING THE FORCE OF LAW IN TRINIDAD AND TOBAGO

[Text of the Convention with the exception of the preamble and sections 2, 8, 24, 27 and 31-49]

---

9. Uganda

THE DIPLOMATIC PRIVILEGES ACT, 1965

AN ACT[18] to enable effect to be given to the Vienna Convention on Diplomatic Relations signed on the eighteenth day of April, one thousand nine hundred and sixty-one, and for other purposes connected therewith.

WHEREAS a Convention entitled the Vienna Convention on Diplomatic Relations the fact of which is set out in the Schedule to this Act was signed by the Signatories thereto on the eighteenth day of April, one thousand nine hundred and sixty-one, for promoting friendly relations among nations by establishing in common agreement uniform principles and rules relating to diplomatic intercourse, privileges and immunities:

AND WHEREAS it is decided to give effect to the Vienna Convention and to provide, so far as necessary, that its provisions shall have the force of law in Uganda, the Sovereign State of Uganda having acceded to the said Convention:

AND WHEREAS it is intended that the Vienna Convention shall replace the Immunities and Privileges (Extension and Miscellaneous Provisions) Ordinance, 1962, conferring immunities and privileges on staffs, representatives and members of committees of, and persons on missions on behalf of, certain international organizations and in respect of the property, premises and documents of such organizations; now therefore:

BE IT ENACTED by the President and the National Assembly in the present Parliament assembled as follows:—

1. Articles 22, 23, 24 and 27 to 40 of the Vienna Convention shall have the force of law and references therein to the receiving State shall, for this purpose, be construed as references to the Sovereign State of Uganda.

2. The President may, by statutory instrument, make Regulations extending any or all of the immunities and privileges conferred on diplomatic agents by virtue of this Act to prescribed organizations and prescribed representatives and officials, subject to such conditions and limitations as may be prescribed.

3. (1) The Immunities and Privileges (Extension and Miscellaneous Provisions) Ordinance, 1962, is hereby repealed.

---

[18] No. 2 of 1965. Assented to on 15 March 1965. Date of commencement: see Section 4.

(2) Pending the making of Regulations under section 2 of this Act, organizations and persons to whom the said Ordinance applied shall continue to be entitled to the privileges and immunities conferred by the Ordinance, so far as they are not inconsistent with the provisions of the Vienna Convention to which section 2 of this Act applies.

4. This Act shall come into force on such day as the President may, by statutory instrument, appoint.

Schedule

Vienna Convention on Diplomatic Relations

[Not reproduced] [19]

---

10. Venezuela

(*a*) DECISION BY THE MINISTRY OF FOREIGN AFFAIRS CONCERNING THE GRANTING OF PRIVILEGES AND IMMUNITIES TO THE RESIDENT REPRESENTATIVE OF THE TECHNICAL ASSISTANCE BOARD [20]

REPUBLIC OF VENEZUELA—MINISTRY OF FOREIGN AFFAIRS
GENERAL DIRECTORATE—NUMBER 125
Caracas, October 1965—156 and 107

It is decided:

By decree of the President of the Republic, with the object of implementing article V of the Agreement concerning Technical Assistance between the United Nations and its Specialized Agencies and the Government of Venezuela, signed on 23 August 1954 [21] and in accordance with the power conferred on the National Executive by article 10 of the Act of 13 August 1945 concerning the Immunities and Prerogatives of Foreign Diplomatic Officers [22], Mr. Adriano García, a United Nations official of Philippine nationality, shall be accorded the prerogatives and immunities set forth below, in order that he may discharge the functions pertaining to his mission, as long as he occupies the posts of Resident Representative and Deputy Resident Representative of the Technical Assistance Board:

(*a*) Immunity from legal process of every kind in respect of words written or spoken and all acts performed in his official capacity;

(*b*) Exemption from national taxation on salaries and emoluments;

(*c*) Immunity from all national service obligations;

(*d*) Immunity from all immigration restrictions in respect of himself, his spouse and minor children;

(*e*) Exemption from customs duties on his furniture and effects at the time of first taking up his post in Venezuela;

(*f*) He shall be accorded the same privileges as officials of comparable rank forming part of diplomatic missions accredited to the National Government;

(*g*) He may refuse to appear as a witness before the Courts of the Republic;

---

[19] See United Nations, *Treaty Series*, vol. 500, p. 95.

[20] Translation by the Secretariat of the United Nations.

[21] United Nations, *Treaty Series*, vol. 201, p. 51.

[22] United Nations Legislative Series, *Laws and Regulations regarding diplomatic and consular privileges and immunities* (ST/LEG/SER.B/7), p. 402.

(*h*) In case of his death, his family shall continue to enjoy the immunities for a reasonable term, which shall not be less than one month or more than four, until they leave the territory of the Republic.

Approved for distribution and publication

Efrain Schacht ARISTEGUIETA
Acting Minister for Foreign Affairs

(*b*) DECISION BY THE MINISTRY OF FOREIGN AFFAIRS CONCERNING THE GRANTING OF PRIVILEGES AND IMMUNITIES TO TECHNICAL ASSISTANCE EXPERTS [23]

REPUBLIC OF VENEZUELA—MINISTRY OF FOREIGN AFFAIRS
GENERAL DIRECTORATE
Caracas

It is decided:

By decree of the President of the Republic, pursuant to article 10 of the Act of 13 August 1945 concerning the Immunities and Prerogatives of Foreign Diplomatic Officers and article V of the Agreement concerning Technical Assistance between the United Nations and its Specialized Agencies and the Government of Venezuela, signed on 23 August 1954, the experts named below shall be accorded the prerogatives and immunities set forth in decree number 124 of this Office, of 24 May 1963, published in the *Gaceta Oficial* No. 27,159, of 1 June 1963.

[Names follow]

Approved for distribution and publication

Ignacio Iribarran BORGES
Minister for Foreign Affairs

Annex

REPUBLIC OF VENEZUELA—MINISTRY OF FOREIGN AFFAIRS
GENERAL DIRECTORATE—No. 124
Caracas, May 1963—154 and 105

It is decided:

By decree of the President of the Republic, with the object of implementing article V of the Agreement concerning Technical Assistance between the United Nations and its Specialized Agencies and the Government of Venezuela, signed on 23 August 1954, and in accordance with the power conferred on the National Executive by article 10 of the Act of 13 August 1945 concerning the Immunities and Prerogatives of Foreign Diplomatic Officers, the experts listed below shall be accorded the prerogatives and immunities set forth below, in order that they may discharge the functions pertaining to their mission, as long as they remain in the service of the National Government.

(*a*) Immunity from arrest and detention and from seizure of their baggage;

(*b*) Immunity from legal process of every kind in respect of words spoken or written and acts done by them in the course of the performance of their mission;

(*c*) Inviolability for all papers and documents and the right to use codes for the purpose of their communications with the United Nations and the Specialized Agencies;

(*d*) Exemption from customs duties on personal baggage and on objects which they subsequently import, provided that the latter are necessary for the performance of their mission;

(*e*) Exemption from customs duties in connexion with the importation of an automobile for their personal use;

(*f*) Immunity from all national service obligations;

(*g*) Exemption from national taxes on salaries.

[23] Translation by the Secretariat of the United Nations.

The decrees published in the issues of the *Gaceta Oficial* listed in this document, under which immunities and privileges were granted to the experts mentioned below, shall be annulled.

[Names follow]

---

11. Zambia

DIPLOMATIC IMMUNITIES AND PRIVILEGES ACT, 1965

AN ACT[24] to give effect to the Vienna Convention on Diplomatic Relations;[25] to provide for the immunities, privileges and capacities of certain international organisations and persons connected therewith, of representatives of other States attending international conferences and of consular officers and certain other persons; to amend the Customs and Excise Act, 1955; to repeal the Immunities and Privileges Act, 1956; and to provide for purposes connected with the foregoing.

[4th June, 1965.]

ENACTED by the Parliament of Zambia.

1. This Act may be cited as the Diplomatic Immunities and Privileges Act, 1965.

2. (1) In this Act, unless the context otherwise requires—

...

"Minister" means the Minister for the time being entrusted by the President with responsibility for the administration of this Act.

...

"the Vienna Convention" means the Vienna Convention on Diplomatic Relations signed in Vienna on the eighteenth day of April, 1961.

...

4. (1) This section shall apply to any organisation which the President may by order declare to be an organisation of which the Republic or the Government and one or more other States or the government or governments thereof are members.

(2) The President may by order—

(*a*) provide that any organisation to which this section applies (hereinafter referred to as "the organisation") shall, to such extent as may be specified in the order, have the immunities and privileges set out in Part I of the Second Schedule, and shall also have the legal capacities of a body corporate;

(*b*) confer upon—

(i) any persons who are representatives (whether of governments or not) on any organ of the organisation or are members of any committee of the organisation or of an organ thereof;

(ii) such number of officers of the organisation as may be specified in the order, being the holders of such high offices in the organisation as may be so specified; and

---

[24] No. 30 of 1965. Assented to on 28 May 1965.

[25] United Nations, *Treaty Series*, vol. 500, p. 95.

(iii) such persons employed on missions on behalf of the organisation as may be so specified;

to such extent as may be specified in the order, the immunities and privileges set out in Part II of the Second Schedule;

(*c*) confer upon such other classes of officers and servants of the organisations as may be specified in the order, to such extent as may be so specified, the immunities and privileges set out in Part III of the Second Schedule;

and Part IV of the Second Schedule shall have effect for the purpose of extending to the staff of such representatives and members as are mentioned in sub-paragraph (i) of paragraph (*b*) and to the families of officers of the organisation any immunities and privileges conferred on the representatives, members or officers under that paragraph, except in so far as the operation of the said Part IV is excluded by the Order conferring the immunities and privileges.

(3) An order made under this section may, notwithstanding any provision of any written law, including this Act, confer on any organisation or person any immunities or privileges which are required to be conferred on that organisation or person in order to give effect to any international agreement in that behalf but shall not confer any immunities or privileges greater in extent than those so required as aforesaid or confer any immunity or privilege upon any person as the representative of the Government of Zambia or as a member of the staff of such a representative.

5. (1) The President may by order confer on the judges and registrars of the International Court, and on suitors to that Court and their agents, counsel and advocates, such immunities, privileges and facilities as may be required to give effect to any resolution of, or convention approved by, the General Assembly of the United Nations.

(2) In this section "International Court" means the International Court of Justice set up under the Charter of the United Nations.

6. Where a conference is held in Zambia and is attended by the representatives of the Government and the government or governments of one or more other States, and it appears to the Minister that doubts may arise as to the extent to which a representative of the government of any such State and members of his official staff are entitled to diplomatic immunities he may—

(*a*) compile a list of the persons aforesaid who are entitled to such immunities and cause that list to be published in the *Gazette;* and

(*b*) whenever it appears to the Minister that any person ceases or begins to be entitled to such immunities, amend the list and cause a notice of the amendment or, if he thinks fit, an amended list, to be published as aforesaid;

and every representative of the government of such State who is for the time being included in the list, and such of the members of his official staff as are for the time being included in the list, shall be entitled to the like immunities as are accorded to a diplomatic agent of a sending State accredited to Zambia and to members of the official staff of such a diplomatic agent respectively.

...

(2) Nothing in this Act shall be construed as precluding the President from declining to accord immunities or privileges to, or withdrawing immunities or privileges from, nationals or representatives of any State on the ground that that State is failing to accord corresponding immunities or privileges to citizens or representatives of Zambia.

...

13. The Minister shall compile a list of the persons appearing to him to be entitled to immunities or privileges by or under the provisions of this Act, except—

(*a*) children under the age of eighteen years of a person so entitled;

(*b*) any person whose name appears on a list published under section *six;*
and he shall from time to time amend the list and shall cause the list and any amendment of the list or any amended list to be published in the *Gazette*.

14. (1) The Minister or a person authorised by him in that behalf shall issue an identity card in a form approved by the Minister to any person who is entitled to immunities or privileges under this Act.

(2) When the person to whom an identity card was issued under subsection (1) ceases to be entitled to the immunities and privileges accorded to him under this Act, the identity card issued to him shall thereupon have no effect.

(3) Subject to the provisions of this Act any person who is in unlawful possession of or makes use of an identity card issued to any other person under this section shall be guilty of an offence and be liable to a fine not exceeding one hundred pounds or to imprisonment for a term not exceeding six months or to both such fine and imprisonment.

15. If in any proceedings any question arises whether or not any person is entitled to immunities or privileges by or under the provisions of this Act, a certificate issued by or under the authority of the Minister stating any fact relevant to that question shall be conclusive evidence of that fact.

16. (1) Any article which on importation is exempted from customs duty under the provisions of Article 36 of the Vienna Convention or any order made under section *four* or section *nine* shall not be sold or otherwise disposed of to a person who is not entitled to the exemption granted by that Article or order except with the consent of the Controller of Customs and Excise and upon the payment to him of customs duty.

(2) Any exemption from customs duty granted to any person under this Act shall not be construed as exempting that person from compliance with the formalities in respect of the importation of goods which are prescribed in any law relating to customs.

...

18. Section *one hundred and two* of the Customs and Excise Act, 1955 is amended in paragraph (*d*) of subsection (1) by the deletion of "in pursuance of the provisions of section 10 of the Immunities and Privileges Act, 1956" and the substitution therefor of "under the provisions of Article 36 of the Vienna Convention on Diplomatic Relations as applied by the Diplomatic Immunities and Privileges Act, 1965 or of any order made under that Act".

19. (1) The Immunities and Privileges Act, 1956, is repealed.

(2) Where there is any conflict or inconsistency between any provision of this Act or order made thereunder and any provision of any other written law then the provision of this Act or order made thereunder shall prevail and the provision of that other written law shall, to the extent of the conflict or inconsistency, have no effect.

...

Second Schedule

(Section 4)

INTERNATIONAL ORGANISATIONS AND PERSONS CONNECTED THEREWITH

Part I

Immunities and Privileges of the Organisation

1. Immunity from suit and legal process.

2. The like inviolability of official archives and premises occupied as offices as is accorded in respect of the official archives and premises of a diplomatic agent of a sending State accredited to Zambia.

3. The like exemption or relief from taxes and rates, other than taxes on the importation of goods, as is accorded to a sending State.

4. Exemption from taxes on the importation of goods directly imported by the organisation for its official use in Zambia or for exportation, or on the importation of any publications of the organisation directly imported by it, such exemption to be subject to compliance with such conditions as the Controller of Customs and Excise may prescribe for the protection of the revenue.

5. Exemption from prohibitions and restrictions on importation or exportation in the case of goods imported 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.

6. 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 Zambia), of any reduced rates applicable for the corresponding service in the case of press telegrams.

Part II

Immunities and Privileges of Representatives, Members of Committees, High Officers and Persons on Missions

1. The like immunity from suit and legal process as is accorded to a diplomatic agent of a sending State accredited to Zambia.

2. The like inviolability of residence as is so accorded to such a diplomatic agent.

3. The like exemption or relief from taxes as is so accorded to such a diplomatic agent.

Part III

Immunities and Privileges of Other Officers and Servants

1. 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.

2. Exemption from income tax in respect of emoluments received as an officer or servant of the organisation.

Part IV

Immunities and Privileges of Official Staffs and of High Officers' Families

1. Where any person is entitled to any such immunities and privileges as are mentioned in Part II as a representative on any organ of the organisation or a member of any committee of the organisation or of an organ thereof, his official staff accompanying him as such a representative or member shall also be entitled to those immunities and privileges to the same extent as the retinue of a diplomatic agent of a sending State accredited to Zambia is entitled to the immunities and privileges accorded to the diplomatic agent.

2. Where any person is entitled to any such immunities and privileges as are mentioned in Part II as an officer of the organisation, that person's wife or husband and children under the age of twenty-one years shall also be entitled to those immunities and privileges to the same extent as the wife or husband and children of a diplomatic agent of a sending State accredited to Zambia are entitled to the immunities and privileges accorded to the diplomatic agent.

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] APPROVED 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 1965:[2]

State	*Date of receipt of instrument of accession*
Kenya	1 July 1965
Nepal	28 September 1965
Trinidad and Tobago	19 October 1965

This brought up to 92 the number of States parties to the Convention.

---

2. AGREEMENTS RELATING TO MEETINGS AND INSTALLATIONS

(*a*) Agreement between the United Nations and the Government of Niger concerning the establishment of a sub-regional office of the United Nations Economic Commission for Africa.[3] Signed at Niamey on 20 November 1963

The Government of the Republic of the Niger (hereinafter called "the Government") and the United Nations,

Mindful of resolution 64 (IV) of the United Nations Economic Commission for Africa to set up a sub-regional office for Western Africa to be sited at Niamey,

Desiring to conclude an agreement for the purpose of regulating questions arising from the offer of the Government, and the acceptance thereof by the United Nations, to grant to the United Nations the use of the land, buildings, appurtenances and installations described in the annexes to this Agreement without charge to the United Nations,

---

[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] Came into force on 2 June 1964.

Being concerned to ensure the effective functioning of the sub-regional office for Western Africa by supplementing, to the extent necessary, the Convention on the Privileges and Immunities of the United Nations to which the Government of the Niger acceded on 25 August 1961,

Have nominated as their representatives for this purpose: the Government of the Republic of the Niger: Mr. Courmo Barcougne, Minister of Finance and Economic Affairs, the United Nations: Mr. R.K.A. Gardiner, Executive Secretary of the Economic Commission for Africa, who have agreed as follows:

Article I

Definitions

Section 1. In this Agreement:

(*a*) The expression "premises" means the land described in annex I to this Agreement and any buildings, appurtenances and installations erected thereon;

(*b*) The expression "furnishings" means the furnishings described in annex II to this Agreement;

(*c*) The expression "Organization" means the United Nations;

(*d*) The expression "sub-regional office" means the sub-regional office of the United Nations Economic Commission for Africa at Niamey;

(*e*) The expression "General Convention" means the Convention on the Privileges and Immunities of the United Nations as adopted by the General Assembly of the United Nations on 13 February 1946 and acceded to by the Government of the Republic of the Niger on 25 August 1961;

(*f*) The expression "Director" means the Director in charge of the sub-regional office, his deputy or any other official of the Organization who is in charge of the sub-regional office at the time.

Article II

Title to and use of premises

Section 2. The title to the premises shall remain with the Government. The Government shall grant to the Organization, without compensation, the use of such premises for housing the sub-regional office or for any other United Nations purposes which the Organization deems necessary. The Organization shall not be required to give to the Government any bond or security whatsoever.

Section 3. The Government shall provide the necessary furnishing for the premises.

Article III

Control and protection of the premises

Section 4. The premises shall be inviolable and shall be under the control and authority of the Organization, as provided in this Agreement.

Section 5. (*a*) Officers or officials of the Government, whether administrative, judicial, military or police, shall not enter the premises to perform any official duties therein except with the consent of and under conditions agreed to by the Director.

(*b*) Without prejudice to the provisions of the General Convention or of this Agreement, the sub-regional office shall prevent the premises from becoming a refuge for persons who are avoiding arrest under any law of the Government, or who are required by the Government for extradition to another country or who are endeavouring to avoid service of legal process.

Section 6. (*a*) The Government shall exercise due diligence through its appropriate authorities to ensure that the tranquillity of the premises is not disturbed by the unauthorized entry of groups of persons from outside or by disturbance in their immediate vicinity. It shall cause to be provided on the boundaries of the premises such police protection as is required for these purposes.

(*b*) If so requested by the Director, the Government shall take the necessary steps for the preservation of law and order in the premises and for the removal therefrom of persons as requested under the authority of the Director.

Article IV

Access to the premises

Section 7. (*a*) The Government shall not impede the transit to or from the premises of the following persons;

(i) Officials of the sub-regional office, and their families;

(ii) Persons, other than officials of the sub-regional office, performing missions for the sub-regional office, and their spouses;

(iii) Other persons invited to the premises on official business; the Director shall communicate the names of such persons to the Government;

(iv) Representatives of any organs of information whom the Organization may have decided to accept after consultations with the Government.

(*b*) This section shall not apply to general interruptions of transport and shall not impede the enforcement of the law.

(*c*) This section shall not imply exemption from the obligation to produce reasonable evidence to establish that persons claiming the rights granted under this section are included in the categories specified in paragraph (*a*).

(*d*) The necessary visas shall be granted promptly and, in the case of the persons referred to in paragraph (*a*) above, free of charge.

Article V

Representatives of Governments

Section 8. The representatives of Governments, participating in the work of the sub-regional office or in any conference which may be convened by the Organization at the premises of the sub-regional office, shall be entitled in the territory of the Republic of the Niger, while exercising their functions and during their journey to and from the premises of the sub-regional office, to the same privileges and immunities as are accorded to diplomatic envoys of comparable rank under international law.

Article VI

Officials of the Organization

Section 9. Officials of the Organization shall enjoy in the territory of the Niger the following privileges and immunities:

(*a*) Immunity from legal process in respect of words spoken or written and all acts performed by them in their official capacity; such immunity to continue notwithstanding that the persons concerned may have ceased to be officials of the Organization;

(*b*) Immunity from personal arrest or detention;

(*c*) Immunity from seizure of their personal and official baggage;

(*d*) Exemption from taxation on the salaries and emoluments paid to them by the Organization;

(*e*) Immunity from national service obligations;

(*f*) Immunity, together with members of their families and their personal employees, from immigration restrictions and alien registration;

(*g*) The same privileges in respect of exchange facilities as are accorded to the officials of comparable rank forming part of diplomatic missions to the Government;

(*h*) The same repatriation facilities in time of international crisis, together with members of their families and their personal employees, as diplomatic envoys;

(*i*) Exemption for officials, other than nationals of the Niger and permanent foreign residents of the Niger, from any form of direct taxation on income derived from sources outside the Niger, and the freedom to maintain within the Niger, or elsewhere, foreign securities, and other movable and immovable property, and whilst employed by the United Nations in the Niger, and at the time of termination of such employment, the right to take out of the Niger, funds in currencies other than that of the Niger without any restrictions or limitations, provided that the said officials can show good cause for their lawful possession of such funds;

(*j*) The right to import, free of duty and other levies, prohibitions and restrictions on imports, their furniture and effects within twelve months after first taking up their post in the Niger; the same regulations shall apply for other than nationals of the Niger and permanent foreign residents of the Niger in the case of importation, transfer and replacement of automobiles, as are in force for the resident members of diplomatic missions of comparable rank.

Section 10. All officials of the Organization working at the sub-regional office shall be provided with a special identity card certifying that they are officials of the Organization enjoying the privileges and immunities specified in this Agreement.

Section 11. (*a*) The Government shall accord to the Director and to such of his immediate assistants as may be agreed between the Organization and the Ministry of Foreign Affairs the privileges and immunities indicated in paragraph 2 of Article 105 of the United Nations Charter.

(*b*) For this purpose the Director and the immediate assistants referred to in paragraph (*a*) above shall be incorporated by the Ministry of Foreign Affairs into the appropriate diplomatic categories and shall enjoy the Customs exemptions granted to such diplomatic categories in the Niger.

Section 12. The privileges and immunities accorded by this article are granted in the interests of the Organization and not for the personal benefit of the individuals themselves. The Secretary-General of the Organization shall waive the immunity of any official in any case where, in his opinion, such immunity would impede the course of justice and can be waived without prejudice to the interests of the Organization.

Section 13. The United Nations shall co-operate at all times with the appropriate authorities of the Niger to facilitate the proper administration of justice, secure the observance of police regulations and prevent the occurrence of any abuse in connexion with the privileges, immunities and facilities mentioned in this article.

Article VII

Public services and utilities

Section 14. The Organization shall be responsible for the payment for electricity and water supplies, telephone services and other similar public utility services for the premises.

Section 15. The Government shall exercise, to the extent requested by the Director, the powers which it possesses with respect to the supplying of public utility services to ensure that the premises are provided with the necessary services on equitable terms. In case of interruption or threatened interruption of such services, the Government shall consider the needs of the sub-regional office as being of the same importance as the similar needs of essential agencies of the Government and shall take the necessary steps to ensure that the work of the sub-regional office is not prejudiced.

Article VIII

Communication and transport

Section 16. The Organization shall enjoy for its official communications treatment not less favourable than that accorded by the Government to any other government or to any other international organization, including foreign diplomatic missions in the Niger.

Section 17. (*a*) No censorship shall be applied to the official correspondence or other communications of the Organization. Such immunity shall extend, without limitation by reason of this enumeration, to publications, documents, still and moving pictures, films and sound recordings;

(*b*) The Organization shall have the right to use codes and to dispatch and receive official correspondence and, without limitation by reason of this enumeration, publications, documents, still and moving pictures, films and sound recordings, either by courier or in sealed bags, which shall have the same immunities and privileges as diplomatic couriers and bags.

Section 18. (*a*) The Organization shall have the authority to install and operate at the sub-regional office for its exclusive official use a radio sending and receiving station or stations to exchange traffic with the United Nations radio network, subject to the provisions of article 45 of the International Telecommunication Convention relating to harmful interference. The frequencies on which any such station may be operated shall be agreed between the Organization and the Government and shall be duly communicated by the Organization to the International Frequency Registration Board.

Section 19. (*a*) The Organization shall be entitled, for its official purposes, to use transportation operated by the Government at the same rates and treatment as may be granted to resident diplomatic missions.

(*b*) Aircraft operated by or for the Organization shall be exempt from all charges, except those for actual service rendered, and from fees or taxes incidental to the landing at, parking on or taking off from any aerodrome in the Niger. Except as limited by the preceding sentence, nothing herein shall be construed as exempting such aircraft from full compliance with all applicable rules and regulations governing the operation of flights into, within, and out of the territory of the Republic of the Niger.

Article IX

Maintenance of the premises alterations and insurance

Section 20. The Organization shall keep the premises in good condition and shall make the necessary repairs for this purpose, except for such repairs as may be required by major structural damage, for which the Government shall be responsible.

Section 21. The Government shall if it deems it advisable, take out insurance for the protection of the premises, including the furnishings.

Section 22. The Organization shall be entitled to make alterations to the premises and to erect any construction or fixed installations therein, after consultations with the Government on the manner in which such changes will be carried out and the means to finance them.

Section 23. The Organization shall provide passes for entry into the premises to duly authorized employees of the Government or of its agencies or subdivisions for the purpose of inspecting, repairing, maintaining, constructing or relocating utilities, conduits, mains and sewers within the premises.

Article X

Liability for loss, injury, etc.

Section 24. The Government shall not be liable for any injury, loss or damage suffered by the Organization or by its agents, invitees or licensees arising solely and exclusively from the fault of the Organization or its agents in the operation of the premises.

Article XI

Use of the conference building by the Government

Section 25. Whenever the use of the conference building, as described in annex I of this Agreement, is not required for the needs of the Organization, the latter may make the accommodations which the said building comprises available to the Government, on the following terms:

(*a*) The conference building shall be made available to the Government only for such international conferences as the Government may wish to convene at Niamey independently of United Nations conferences or for meetings of international bodies outside the United Nations family.

(*b*) The Government shall notify the Director of its requirements for accommodations sufficiently in advance and may use the conference building only after written consent by the Director stating the dates on which the building may be so used or in accordance with a general meetings schedule accepted in advance by the Organization and the Government following consultations between the Director and the representatives of the Government.

(*c*) During the periods in which the conference building is made available to the Government under the terms of this article, control and authority over the said building shall be transferred to the Government and the provisions of article III, sections 4 and 5, shall not apply with respect to the building.

(*d*) During the periods in which the conference building is made available to the Government under the terms of this article, the Organization shall not be liable for any injury, loss or damage suffered by the Government or by its agents, invitees, or licensees arising from the use of the said building.

(*e*) During the periods in which the conference building is made available to the Government, the latter shall be responsible for the working expenses of the building. Reimbursement of the amounts due to the Organization in this respect shall be the subject of special arrangements between the Director and the Government.

Article XII

Termination

Section 26. In the event that this Agreement is terminated:

1. The Organization shall surrender the premises, including the furnishings, to the Government in as good condition as reasonable wear and tear will permit.

2. The Organization shall restore the premises to the shape and state they were in when received, if alterations, constructions or fixed installations under section 22 of this Agreement impair the usefulness of the premises for the purposes of offices or meetings. In any other event, the Organization shall be under no obligation to restore and the Government shall pay the United Nations the then fair value of alterations, constructions or fixed installations paid for entirely by the Organization.

Article XIII

Interpretation and application

Section 27. The provisions of the General Convention and of this Agreement shall, where they relate to the same subject matter, be treated wherever possible as complementary, so that the provisions of both shall be applicable and neither shall narrow the effect of the other; but in any case of absolute conflict, the provisions of this Agreement shall prevail.

Section 28. This Agreement shall be interpreted in the light of its primary purpose to enable the sub-regional office fully and efficiently to discharge its responsibilities and to fulfil its objectives.

Article XIV

Settlement of disputes

Section 29. Any dispute between the Organization and the Government concerning the interpretation or application of this Agreement or of any supplementary agreement, which is not settled by negotiation or other agreed mode of settlement, shall be referred for final decision to a tribunal of three arbitrators, one to be named by the Secretary-General of the United Nations, one to be named by the Government, and the third to be chosen by the two, or, if they should fail to agree upon a third, then by the President of the International Court of Justice.

Article XV

General provisions

Section 30. This Agreement shall cease to be in force twelve months after either of the parties shall have given notice in writing to the other of its decision to terminate the Agreement, except as regards those provisions which may apply to the normal cessation of the activities of the sub-regional office in the Niger.

Section 31. This Agreement shall enter into force upon notification by the Government to the Organization that the Agreement has been ratified in accordance with the constitutional processes of the Republic of the Niger.

Done in the French language in duplicate at Niamey on 20 November 1963.

For the United Nations:

R.K.A. GARDINER

Executive Secretary
of the Economic Commission for Africa

For the Government
of the Republic of the Niger:

Courmo BARCOUGNE

Minister of Finance and Economic Affairs

Annex 1

LAND, BUILDINGS, APPURTENANCES AND INSTALLATIONS OF THE SUB-REGIONAL OFFICE OF THE UNITED NATIONS ECONOMIC COMMISSION FOR AFRICA AT NIAMEY

Article 1

The boundaries of the land and the building plans for the premises shall be as described in the attached plan.

Article 2

The premises shall form a rectangle of approximately 240 metres from east to west and 200 metres from north to south, surrounded by three streets, being street No. 8 on the east, and unnamed streets on the south and west.

(*b*) Exchange of letters constituting an agreement between the United Nations and the Government of Mexico regarding the arrangements for the session of the Special Committee of Principles of International Law concerning Friendly Relations and Co-operation among States to be held in Mexico City from 27 August to 1 October 1964.[4] New York, 16 and 17 July 1964

...

III. *Local personnel for the session*

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

...

V. *Privileges and immunities*

1. The Convention on the Privileges and Immunities of the United Nations which has been acceded to by Mexico shall be applicable in accordance with such accession to the session of the Committee. The Conference area, comprising conference rooms and offices and ancillary facilities, shall, for the duration of their occupancy by the United Nations for purposes of the session of the Committee, be considered as premises of the United Nations, and immediate access thereto shall be under the control and authority of the United Nations, subject to the provisions of article II [on police protection] of the present Agreement.

2. Officials of the United Nations performing functions in connexion with the session shall enjoy the privileges and immunities provided by articles V and VII of the Convention in accordance with the accession of Mexico. Officials of any specialized agencies representing their agencies or performing functions in connexion with the session shall enjoy the same privileges and immunities as enjoyed by the officials of the United Nations.

3. Representatives and observers of States Members of the United Nations or observers of members of the specialized agencies shall enjoy the privileges and immunities provided in article IV of the Convention on the Privileges and Immunities of the United Nations in accordance with the accession of Mexico.

4. Without prejudice to the application of the Convention as provided above, all participants and all persons performing functions in connexion with the session shall enjoy all such facilities as are necessary for the independent exercise of their functions in connexion with the session.

---

[4] Came into force on 17 July 1964.

5. The following classes of persons shall be entitled to unimpeded entry to and exit from Mexico City for the period necessary for the performance of their functions in connexion with the session, access to the conference premises, facilities for speedy travel and visas free of charge:

(*a*) Representatives or observers of States mentioned in paragraph 3 above, and their immediate families;

(*b*) Officials of the United Nations and of the specialized agencies mentioned in paragraph 2 above, and their immediate families;

(*c*) Representatives of interested non-governmental organizations having consultative status with the United Nations;

(*d*) Representatives of information media accredited by the United Nations in accordance with its established procedure and after consultation with the Government; and

(*e*) Other persons formally invited to the conference by the United Nations on official business.

(*c*) Agreement between the United Nations and the Government of Monaco concerning the arrangements for the January 1966 session of the United Nations International Law Commission.[5] Signed at Geneva on 17 December 1965

IV. *Local personnel for the session*

...

3. [Similar to article III (2) in (*b*) above]

VII. *Privileges and immunities*

1. The Convention on the Privileges and Immunities of the United Nations shall be applicable to the session. Members of the Commission shall enjoy the privileges and immunities accorded under the Convention to experts on missions for the United Nations. Officials of the United Nations who are members of the secretariat of the Commission shall enjoy the privileges and immunities provided for United Nations officials under that Convention.

2. For the period of the session the area mentioned in article I 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, and immediate access to that area shall be under the control of the United Nations.

3. The Government shall impose no impediment to the transit to and from the place of the session of any persons whose presence at the session is authorized by the United Nations or of any persons in their immediate families, and shall grant any visas required for such persons promptly and without charge.

(*d*) Agreement between the United Nations and the Government of Kenya regarding the arrangements for the seventh session of the Economic Commission for Africa.[6] Signed at Addis Ababa and Nairobi on 11 December 1964

V. *Local personnel*

...

(3) [Similar to article III (2) in (*b*) above]

[5] Came into force on 17 December 1965.

[6] Came into force on 11 December 1964.

VI. *Privileges and immunities*

1. The Convention on the Privileges and Immunities of the United Nations shall be fully applicable with respect to the session. Accordingly, officials of the United Nations performing functions in connexion with the session shall enjoy the privileges and immunities provided 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 under the Convention on the Privileges and Immunities of the Specialized Agencies.

3. Without prejudice to the provisions of the preceding paragraphs, all participants and all persons performing functions in connexion with the session shall enjoy such privileges and immunities, facilities and courtesies, as are necessary for the independent exercise of their functions in connexion with the session.

4. Representatives and observers of States, Members of the United Nations or observers of members of the specialized agencies shall enjoy the privileges and immunities provided in article IV of the Convention on the Privileges and Immunities of the United Nations.

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

6. The area designated under article I 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.

(*e*) Agreement between the United Nations and the Government of Zambia regarding the arrangements for the Conference on Harmonization of Industrial Development Programmes and Other Problems of Economic Co-operation in East Africa.[7] Signed at Lusaka on 23 October 1965

This agreement contains articles similar to articles V (3) and VI of the agreement mentioned under (*d*) above.

(*f*) Agreement between the United Nations and the Government of the United Arab Republic regarding the arrangements for the Symposium on Industrial Development in Africa.[8] Signed at Addis Ababa on 26 November 1965

This agreement contains articles similar to articles V (3) and VI of the agreement mentioned under (*d*) above, except that article VI (4) reads as follows:

> (4) Representatives and observers of members and associate members of the Economic Commission for Africa and representatives of the specialized agencies and the International Atomic Energy Agency, shall enjoy the privileges and immunities provided in article IV of the Convention on the Privileges and Immunities of the United Nations.

(*g*) Agreement between the United Nations and the Government of Iran regarding the arrangements for the 18th session of the United Nations Commission on the Status of Women.[9] Signed at Geneva on 16 February 1965

---

[7] Came into force on 23 October 1965.

[8] Came into force on 26 November 1965.

[9] Came into force on 16 February 1965.

IV. *Local personnel for the Conference*

...

3. [Similar to article III (2) in (*b*) above]

VI. *Privileges and immunities*

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

2. Representatives of States Members of the United Nations as well as representatives of States non-members of the United Nations shall enjoy the privileges and immunities accorded to 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 section I 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 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 in their immediate families and shall grant any visa required for such persons promptly and without charge.

(*h*) Agreement between the United Nations and the Government of Sweden concerning the arrangements for the third United Nations Congress on the Prevention of Crime and the Treatment of Offenders.[10] Signed at Geneva on 16 June 1965

VII. *Claims for damage and injury*

1. The Government shall be responsible for dealing with any actions, causes of action, claims or other demands which may be brought against the Organization for damage to the Congress facilities mentioned in article II [on premises, equipment, utilities and supplies] for damage or injury to persons or property caused to third persons by the vehicle(s) [to be provided by the Government] referred to in article III or to the chauffeur(s) of such vehicle(s), or arising out of the employment of the personnel referred to in article V, and shall hold the United Nations and its officials harmless in respect of any such actions, causes of action, claims or other demands.

VIII. *Privileges and immunities*

1. The Convention on the Privileges and Immunities of the United Nations and of the Specialized Agencies, to which the Government of Sweden is a party, shall be applicable in respect of the Congress. Congress premises for the purpose of such application shall be deemed to constitute premises of the United Nations, and access thereto shall be under the control and authority of the United Nations.

[10] Came into force on 16 June 1965.

2. Officials of the United Nations performing functions in connexion with the Congress shall enjoy the privileges and immunities provided by articles V and VII of the Convention on the Privileges and Immunities of the United Nations. It is understood, however, that local personnel provided by the Government under article V of this Agreement shall enjoy only an immunity from legal process in respect of words spoken or written and all acts performed by them in their official capacity in connexion with the Congress.

3. Representatives of Governments invited to attend the Congress under paragraph 2 a of article I shall enjoy the privileges and immunities accorded to representatives of States Members of the Organization by article IV of the Convention on the Privileges and Immunities of the United Nations. Representatives of the specialized agencies and other inter-governmental organizations invited to the Congress shall enjoy the same privileges and immunities as accorded to officials of comparable rank of the United Nations.

4. The Government shall impose no impediment to transit to and from the Congress of any persons whose presence at the Congress is authorized by the United Nations and shall grant any visa required for such persons promptly and without charge. Such persons shall enjoy such privileges and immunities, facilities and courtesies as are necessary for the independent exercise of their functions in connexion with the Congress.

IX. *Import duties and tax*

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 Congress. 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 official requirements and entertainment schedule of the Congress, to be designated in a separate letter Agreement between the United Nations and the Government.

(*i*) Agreement between the United Nations and the Government of the Mongolian People's Republic relating to a Human Rights Seminar to be held at Ulan Bator from 3 to 17 August 1965.[11] Signed at New York on 6 January 1965

Article V

Facilities, privileges and immunities

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 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 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.

[11] Came into force on 6 January 1965.

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

(*j*) Agreement between the United Nations and the Government of Yugoslavia relating to a Human Rights Seminar to be held at Belgrade from 8 to 22 June 1965.[12] Signed at New York on 7 January 1965

Article V

Facilities, privileges and immunities

[Similar to article V in (*i*) above, with the addition of the words ", entry and exit permits" after "visas" in the last sentence of paragraph 4]

(*k*) Agreement between the United Nations and the East African Common Services Organization relating to the establishment of a statistical training centre in Dar es Salaam.[13] Signed at Nairobi on 27 November 1965

Article V

Co-operation of the East African Common Services Organization

3. The East African Common Services Organization undertakes to bear full responsibility and shall indemnify the United Nations and internationally-recruited personnel of the Centre against any third party demands or obligations resulting from activities undertaken in East Africa in the implementation of their technical functions connected with the present agreement. It is understood that the responsibility of the East African Common Services Organization shall not be deemed to include claims arising from wilful or reckless acts or omissions attributable to the internationally-recruited personnel of the Centre.

4. The East African Common Services Organization shall use its good offices in requesting the Governments of Kenya, Tanzania and Uganda to apply to the internationally-recruited personnel of the Centre the provisions of the Convention on the Privileges and Immunities of the United Nations.

---

3. AGREEMENTS RELATING TO THE UNITED NATIONS CHILDREN'S FUND: REVISED MODEL AGREEMENT CONCERNING THE ACTIVITIES OF UNICEF[14]

Article VI

Claims against UNICEF

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

---

[12] Came into force on 7 January 1965.

[13] Came into force on 27 November 1965.

[14] UNICEF *Field Manual*, vol. II, part IV-2, Appendix A (1 October 1964).

2. The Government shall accordingly be responsible for dealing with any claims which may be brought by third parties against UNICEF or its experts, agents or employees and shall defend and hold harmless UNICEF and its experts, agents and employees in case of any claims or liabilities resulting from the execution of plans of operations made pursuant to this agreement, except where it is agreed by the Government and UNICEF that such claims or liabilities arise from the gross negligence or wilful misconduct of such experts, agents or employees.

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.

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.

(*a*) Agreements between UNICEF and the Governments of the Gambia and Mongolia concerning the activities of UNICEF.[15] Signed respectively at Bathurst on 29 May 1965 and at New York on 23 June 1965

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

(*b*) Agreements between UNICEF and the Governments of Togo and Malawi concerning the activities of UNICEF.[16] Signed respectively at Lomé on 27 June 1963, and at Kampala on 22 February 1965 and Blantyre on 22 April 1965

These agreements contain articles similar to articles VI and VII of an earlier version of the revised model agreement (see *Juridical Yearbook*, 1963, p. 26).

---

4. AGREEMENTS RELATING TO TECHNICAL ASSISTANCE: MODEL REVISED STANDARD AGREEMENT CONCERNING TECHNICAL ASSISTANCE[17]

Article I

Furnishing of Technical Assistance

...

6. [See *Juridical Yearbook*, 1963, p. 27]

---

[15] Came into force on the respective dates of signature.

[16] Came into force respectively on 21 May 1964 and 22 April 1965.

[17] Technical Assistance Board/Special Fund, *Field Manual*, Edition II (1 September 1965), section IX-C, p. 10.

Article V

Facilities, privileges and immunities

[See *Juridical Yearbook*, 1963, p. 27]

(*a*) Agreements between the United Nations, the ILO, FAO, UNESCO, ICAO, WHO, ITU, WMO, IAEA and UPU, and the Governments of Poland and Liberia, concerning technical assistance.[18] Signed respectively at New York on 2 February 1965 and at Monrovia on 12 February 1965

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

(*b*) Agreements between the United Nations, the ILO, FAO, UNESCO, ICAO, WHO, ITU, WMO, IAEA, UPU and IMCO, and the Governments of the Gambia, the Sudan and Turkey, concerning technical assistance.[19] Signed respectively at Bathurst on 2 June 1965, at Khartoum on 13 September 1965 and at Ankara on 21 October 1965

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

(*c*) Agreement between the United Nations, the ILO, FAO, UNESCO, ICAO, WHO, ITU, WMO, IAEA and UPU, and the Government of Romania, concerning technical assistance.[20] Signed at New York on 27 January 1965

Article I

Furnishing of Technical Assistance

...

6. [Similar to article I (6) of the model revised standard agreement]

Article V

Facilities, privileges and immunities

1. (*a*) The Government, in so far as it is not already bound to do so, shall apply to the United Nations, its property, funds and assets, and to its officials including technical assistance experts, the provisions of the Convention on the Privileges and Immunities of the United Nations, as ratified by Romania.

(*b*) The Government—until it becomes a party to the Convention on the Privileges and Immunities of the Specialized Agencies and to the Agreement on the Privileges and Immunities of the International Atomic Energy Agency—shall be bound, in respect of the specialized agencies and the International Atomic Energy Agency, by the provisions of the Convention on the Privileges and Immunities of the United Nations as ratified by Romania.

2. [Similar to article V (2) of the model revised standard agreement]

---

[18] Came into force on the respective dates of signature.

[19] Came into force on the respective dates of signature.

[20] Came into force on the date of signature.

(*d*) Exchange of letters constituting an agreement[21] amending the basic agreement of 2 July 1956 between the United Nations, the ILO, FAO, UNESCO, ICAO, WHO, ITU and WMO, and the Government of Pakistan, concerning technical assistance. New York, 16 November 1964 and Karachi, 9 January 1965

By this exchange of letters, the names of IAEA and UPU have been added to the list of the participating Organizations covered by the Basic Agreement, a reference to the Agreement on the Privileges and Immunities of IAEA has been added to article V, and article I (6) has been brought into line with article I (6) of the model revised standard agreement.

---

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

Article VIII

Facilities, privileges and immunities

[See *Juridical Yearbook*, 1963, p. 31]

Article X

General provisions

...

4. ...[See *Juridical Yearbook*, 1963, p. 32]

Agreement between the United Nations Special Fund and the Government of Spain concerning assistance from the Special Fund.[22] Signed at Madrid on 30 June 1965

Article X (4) of this agreement is similar to article X (4) of the model agreement with the omission of the final phrase (", or of any firm or organization retained by either of them to assist in the execution of a project"). Article VIII reads as follows:

1. The Government shall apply, in relation to Special Fund assisted projects, to the United Nations and its organs, including the Special Fund, and to any Executing Agency, to their property, funds and assets and to their officials, the provisions on privileges and immunities enumerated in this Article.

2. 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;

---

[21] Came into force on 9 January 1965.

[22] Came into force on 30 June 1965.

(*d*) the most favourable legal rate of exchange;

(*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, and for the subsequent exportation of such property.

3. The Special Fund and any Executing Agency shall possess juridical personality. They shall have the capacity (*a*) to contract, (*b*) to acquire and dispose of immovable and movable property, (*c*) to institute legal proceedings.

4. The Special Fund and any Executing Agency, their property and assets, wherever located and by whomsoever held, shall enjoy immunity from every form of legal process except in so far as in any particular case they have expressly waived their immunity. It is, however, understood that no waiver of immunity shall extend to any measure of execution.

5. The Special Fund and any Executing Agency may establish in Spain in accordance with Article V of this Agreement, such premises as they consider necessary for conducting their operations. Premises shall be inviolable. The property and assets of the Special Fund and of any Executing Agency, wherever located and by whomsoever held, shall be immune from search, requisition, confiscation, expropriation and any other form of interference, whether by executive, administrative, judicial or legislative action.

6. The archives of the Special Fund and of any Executing Agency, and in general all documents belonging to them or held by them, shall be inviolable, wherever located.

7. The Special Fund and any Executing Agency, without being restricted by financial controls, regulations or moratoria of any kind:

(*a*) may hold funds, gold or currency of any kind and operate accounts in any currency;

(*b*) may freely transfer their funds, gold or currency from any country to Spain, or from Spain to any country or within Spain and convert any currency held by them into any other currency.

In exercising these rights, the Special Fund and any Executing Agency shall pay due regard to any representations made by the Government in so far as they consider that effect can be given to such representations without detriment to their interests.

8. The Special Fund and any Executing Agency, their assets, income and other property shall be:

(*a*) exempt from all direct taxes; it is understood, however, that they will not claim exemption from taxes which are, in fact, no more than charges for public utility services;

(*b*) exempt from customs duties and prohibitions and restrictions on imports and exports in respect of articles imported or exported by them for their official use. It is understood, however, that articles imported under such exemption will not be sold in Spain except under conditions agreed with the Government;

(*c*) exempt from duties and prohibitions and restrictions on imports and exports in respect of their publications.

9. While the Special Fund and any Executing Agency will not, as a general rule, claim exemption from excise duties and from taxes on the sale of movable and immovable property which form part of the price to be paid, nevertheless when they are making important purchases for official use of property on which such duties and taxes have been charged or are chargeable, the Government will, whenever possible, make appropriate administrative arrangements for the remission or return of the amount of duty or tax.

10. The Special Fund and any Executing Agency shall enjoy in Spanish Territory, for its official communications, in accordance with provisions relating to United Nations of international Conventions in the field of telecommunications, treatment not less favourable than that accorded by the Government of Spain to any other Government, including the latter's diplomatic mission, in the matter of priorities, rates and taxes on mails, cables, telegrams, radiograms, telephotos, telephone and other communications and press rates for information to the press and radio. Official correspondance and other official communications of the United Nations shall be inviolable.

11. The Special Fund and any Executing Agency shall have the right to use codes and to dispatch and receive correspondance by courier or in sealed bags, which shall have the same immunities and privileges as diplomatic couriers and bags.

12. The Special Fund and any Executing Agency will specify the categories of officials to which the provisions of paragraph 13 shall apply. The names of officials included in these categories shall from time to time be made known to the Government.

13. Officials of the Special Fund and of any Executing Agency 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 in respect of the salaries and emoluments paid to them by the Special Fund and any Executing Agency;

(*c*) be immune from national service obligations with the exception of locally recruited personnel of Spanish nationality;

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

(*e*) be accorded the same privileges in respect of exchange facilities as are accorded to officials of comparable rank of diplomatic missions;

(*f*) be given, together with their spouses and relatives dependent on them, the same repatriation facilities in time of international crises as officials of comparable rank of diplomatic missions;

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

14. In addition to the immunities and privileges specified in paragraph 13, the Secretary-General and Under-Secretaries of the United Nations, the Executive Heads of the Specialized Agencies and of any other Executing Agency including any official acting on his behalf during his absence from duty, and other officials of the Specialized Agencies normally entitled to such treatment, shall, while in Spain in connexion with the Special Fund, 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.

15. Experts (other than officials coming within the scope of paragraph 12) performing missions for the Special Fund or any Executing Agency shall be accorded such privileges and immunities as are necessary for the independent exercise of their functions during the period of their missions, including the time spent on journeys in connexion with their missions. In particular they shall be accorded:

(*a*) immunity from personal arrest or detention and from seizure of their personal baggage;

(*b*) in respect of words spoken or written and acts done by them in the course of the performance of their mission, immunity from legal process of every kind. This immunity from legal process shall continue to be accorded notwithstanding that the

persons concerned are no longer employed on missions for the Special Fund or the Executing Agency concerned;

(*c*) inviolability for all papers and documents;

(*d*) for the purpose of their communications with the Special Fund or the Executing Agency concerned, the right to use codes and to receive papers or correspondence by courier or in sealed bags;

(*e*) the same facilities in respect of currency or exchange restrictions as are accorded to representatives of foreign governments on temporary official missions;

(*f*) the same immunities and facilities in respect to their personal baggage as are accorded to diplomatic envoys.

16. Privileges and immunities are granted to officials and experts in the interests of the Special Fund and the Executing Agencies only and not for the personal benefit of the individuals themselves. The Special Fund and any Executing Agency shall have the right and the duty to waive the immunity of any official or expert in any case where, in its opinion, the immunity would impede the course of justice and can be waived without prejudice to the interest of the Special Fund or the Executing Agency.

17. The Special Fund and any Executing Agency shall co-operate at all times with the appropriate authorities of Spain to facilitate the proper administration of justice, secure the observance of police regulations and prevent the occurrence of any abuses in connexion with the privileges, immunities and facilities mentioned in this Agreement.

18. The Government recognizes and accepts the United Nations *laissez-passer* issued to officials of the Special Fund or Executing Agencies as valid travel documents.

The Managing Director of the Special Fund, the executive heads of any Executing Agency, and officials of either, of a rank not lower than head of department, travelling on United Nations *laissez-passer* on any business under this Agreement shall be granted the same facilities for travel as are accorded to officials of comparable rank in diplomatic missions accredited in Spain.

---

6. AGREEMENTS RELATING TO OPERATIONAL ASSISTANCE: STANDARD AGREEMENT ON OPERATIONAL ASSISTANCE

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 hereunder is in furtherance of the purposes of the Organizations. Accordingly the Officers shall not be required to perform functions incompatible with such special international status, or with the purposes of the Organizations, and any contract entered into by the Government and the Officer shall embody a specific provision to this effect.

Article IV

Obligations of the Government

...

5. The Government recognizes 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 stipends, emoluments and allowances paid to them by the Organizations;

(*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 currency or exchange facilities as are accorded to the officials of comparable rank 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 crises as diplomatic envoys;

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

6. The Government shall be responsible for dealing with any claims which may be brought by third parties against the Officers or against the organizations and their agents and employees, and shall hold the Officers, the Organizations and their agents and employees harmless in any 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 where appropriate, and the Organization concerned that such claims or liabilities arise from gross negligence or wilful misconduct of Officers or the agents or employees of the Organization concerned.

...

(*a*) Standard Agreements between the United Nations, the ILO, FAO, UNESCO, ICAO, WHO, ITU, WMO, IAEA and UPU, and the Governments of Afghanistan, Cyprus, Tunisia, Kenya and Nepal, on operational assistance.[23] Signed respectively at Kabul on 23 February 1965, at Nicosia on 5 March 1965, at Tunis on 8 April 1965, at Nairobi on 26 April 1965 and at Kathmandu on 25 May 1965

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

(*b*) Standard Agreements between the United Nations, the ILO, FAO, UNESCO, ICAO, WHO, ITU, WMO, IAEA, UPU and IMCO, and the Governments of Bolivia, the Gambia, Malawi, the Sudan, Somalia and Ethiopia, on operational assistance.[24] Signed respectively at La Paz on 12 May 1965, at Bathurst on 2 June 1965, at Zomba on 20 July 1965, at Khartoum on 13 September 1965, at Mogadiscio on 21 September 1965, and at Addis Ababa on 12 November 1965

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

---

[23] Came into force on the respective dates of signature.

[24] Came into force on the respective dates of signature.

7. EXCHANGE OF LETTERS CONSTITUTING AN AGREEMENT BETWEEN THE UNITED NATIONS AND BELGIUM RELATING TO THE SETTLEMENT OF CLAIMS FILED AGAINST THE UNITED NATIONS IN THE CONGO BY BELGIAN NATIONALS.[25] NEW YORK, 20 FEBRUARY 1965

I

Letter from the Secretary-General

20 February 1965

Sir,

A number of Belgian nationals have lodged with the United Nations claims for damage to persons and property arising from the operations of the United Nations Force in the Congo, particularly those which took place in Katanga. The claims in question have been examined by United Nations officials assigned to assemble all the information necessary for establishing the facts submitted by the claimants or their beneficiaries and any other available information.

The United Nations has agreed that the claims of Belgian nationals who may have suffered damage as a result of harmful acts committed by ONUC personnel, not arising from military necessity, should be dealt with in an equitable manner.

It has stated that it would not evade responsibility where it was established that United Nations agents had in fact caused unjustifiable damage to innocent parties.

It is pointed out that, under these principles, the Organization does not assume liability for damage to persons or property, which resulted solely from military operations or which, although caused by third parties, gave rise to claims against the United Nations; such cases are therefore excluded from the proposed compensation.

Consultations have taken place with the Belgian Government. The examination of the claims having now been completed, the Secretary-General shall, without prejudice to the privileges and immunities enjoyed by the United Nations, pay to the Belgian Government one million five hundred thousand United States dollars in lump-sum and final settlement of all claims arising from the causes mentioned in the first paragraph of this letter.

The distribution to be made of the sum referred to in the preceding paragraph shall be the responsibility of the Belgian Government. Upon the entry into force of this exchange of letters, the Secretary-General shall supply to the Belgian Government all information at his disposal which might be useful in carrying out the distribution of the amount in question, including the list of individual cases in respect of which the United Nations has considered that it must bear financial responsibility, and any other information relevant to the determination of such responsibility.

Acceptance of the above-mentioned payment shall constitute lump-sum and final settlement between Belgium and the United Nations of all the matters referred to in this letter. It is understood that this settlement does not affect any claims arising from contractual relationships between the claimants and the Organization or those which are at present still handled by United Nations administrative departments, such as ordinary requisitions.

Accept, Sir, the assurances of my highest consideration.

U THANT
Secretary-General

His Excellency Mr. Paul-Henri SPAAK
Vice-President of the Council of Ministers of Belgium,
Minister for Foreign Affairs

[25] Came into force on 17 May 1965, the date on which the Belgian Government notified the Secretary-General of the United Nations that the Belgian Legislative Chambers assented to the Agreement, in accordance with the provisions of the latter.

II

Letter from the Minister for Foreign Affairs of Belgium

Permanent Mission of Belgium
to the United Nations
50 Rockefeller Plaza, New York 20, N.Y.

S.589

New York, 20 February 1965

Sir,

I have the honour to acknowledge receipt of your letter of 20 February concerning the settlement of the problem of claims lodged with the United Nations by Belgian nationals who incurred damage in the Congo.

I accept the proposals which you make in that letter.

The agreement resulting from this exchange of letters shall enter into force upon notification to you by the Belgian Government of the assent of the Belgian Legislative Chambers to the terms of the exchange of letters.

Accept, Sir, the assurances of my highest consideration. [26]

P.-H. SPAAK
Vice-President of the Council
Minister for Foreign Affairs of Belgium

The Secretary-General of the United Nations
New York

---

[26] The following letters concerning the Agreement reproduced above were exchanged between the Acting Permanent Representative of the Union of Soviet Socialist Republics to the United Nations and the Secretary-General of the United Nations:

I

Letter dated 2 August 1965 from the Acting Permanent Representative of the Union of Soviet Socialist Republics addressed to the Secretary-General

(Document S/6589)

The Permanent Mission of the USSR to the United Nations has learnt that the Secretariat has paid the Government of Belgium $1.5 million on behalf of the United Nations in settlement of claims by Belgian citizens for losses they allegedly suffered in the Congo as a result of the actions of United Nations forces.

This action by the United Nations Secretariat is unlawful and contrary to decisions taken by the United Nations.

Belgium, as is well known, committed aggression against the Republic of the Congo and as an aggressor has no moral or legal basis for making claims against the United Nations either on its own behalf or on behalf of its citizens. Belgium is responsible to the Congo and the United Nations for its aggression against that country, and not vice versa.

On three occasions—14 and 22 July and 9 August 1960—the Security Council adopted resolutions concerning the cessation of aggression against the Republic of the Congo and the immediate withdrawal of Belgian forces from all parts of its territory. Under these resolutions the Secretary-General of the United Nations was authorized to take the necessary steps, in consultation with the Government of the Republic of the Congo, to provide the Government with such military assistance as might be necessary to repel Belgian aggression. In its resolution of 22 July 1960, the Security Council requested all States Members of the United Nations to refrain from any action which might undermine the territorial integrity and political independence of the Republic of the Congo.

The Belgian Government did not comply with these Security Council resolutions. Its forces continued for a long time to occupy Congolese towns and villages. The Belgian Government in essence ignored the decisions of the Security Council and thus violated Article 25 of the Charter, under which the Members of the Organization have agreed to accept and carry out the decisions of the Security Council. The Belgian Government not only delayed withdrawing its forces of intervention from the Republic of the Congo at that time, but in November 1964 committed a new act of aggression by landing parachutists on Congolese territory, who seized the town of Stanleyville by force of arms and committed bloody outrages against its inhabitants.

In these circumstances the payment of compensation by the United Nations Secretariat to the Belgian Government for the so-called losses caused to Belgian citizens in the Congo by United Nations forces cannot be regarded as other than an encouragement to aggressors, as a reward for brigandage. In accordance with the generally recognized rules of international law concerning the responsibility of the aggressor for the aggression committed by him, the Belgian Government should itself bear full moral and material responsibility for all consequences of its aggression against the Republic of the Congo.

The Permanent Mission of the USSR to the United Nations draws the Secretariat's attention to the fact that it has no right in this case to enter into any agreements on behalf of the United Nations concerning the payment of compensation without the authorization of the Security Council.

Accordingly, the Permanent Mission of the USSR to the United Nations expects the Secretary-General to take immediate steps to cancel the agreement concluded by the Secretariat concerning the payment of the above-mentioned compensation.

I should be grateful if you would arrange for this letter to be circulated as an official Security Council document.

P. MOROZOV
Acting Permanent Representative of the USSR
to the United Nations

II

Letter dated 6 August 1965 from the Secretary-General addressed to the Acting Permanent Representative of the Union of Soviet Socialist Republics

(Document S/6597)

I have the honour to acknowledge receipt of your letter of 2 August 1965 concerning the question of the settlement by the United Nations Secretariat of claims by Belgian citizens for damage to persons and property in the Congo caused by United Nations personnel.

The arrangement to which your letter refers was brought about in the following circumstances. In the course of the United Nations activities in the Congo, the Secretariat received a number of claims from Belgian citizens as well as from individuals of various other nationalities alleging that they had suffered injury or damage to property by acts of United Nations personnel which gave rise to liability on the part of the Organization.

It has always been the policy of the United Nations, acting through the Secretary-General, to compensate individuals who have suffered damages for which the Organization was legally liable. This policy is in keeping with generally recognized legal principles and with the Convention on Privileges and Immunities of the United Nations. In addition, in regard to the United Nations activities in the Congo, it is reinforced by the principles set forth in the international conventions concerning the protection of the life and property of civilian population during hostilities as well as by considerations of equity and humanity which the United Nations cannot ignore.

Accordingly, the claims submitted were investigated by the competent services of ONUC and at United Nations Headquarters in order to collect all of the data relevant to determining the responsibility of the Organization. Claims of damage which were found to be solely due to military operations or military necessity were excluded. Also expressly excluded were claims for damage found to have been caused by persons other than United Nations personnel.

On this basis, all individual claims submitted by Belgian nationals, as well as those submitted by nationals of other countries, were carefully scrutinized and a list of cases was established by the Secretariat with regard to which it was concluded that compensation should be paid. Of approximately 1,400 claims submitted by Belgian nationals, the United Nations accepted 581 as entitled to compensation.

As regards the role of the Belgian Government, it was considered that there was an advantage for the Organization both on practical and legal grounds that payment to the Belgian claimants whose claim has been examined by the United Nations should be effected through the intermediary of their Government. This procedure obviously avoided the costly and protracted proceedings that

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

1. CONVENTION ON THE PRIVILEGES AND IMMUNITIES OF THE SPECIALIZED AGENCIES.[27] APPROVED BY THE GENERAL ASSEMBLY OF THE UNITED NATIONS ON 21 NOVEMBER 1947

In 1965, 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:[28]

State		*Date of receipt of instrument of accession or notification*	*Specialized agencies*
Kenya	Accession	1 July 1965	WHO, ICAO, ILO, FAO, UNESCO, UPU, ITU, WMO, IMCO, BANK, FUND, IDA, IFC
Malawi	Accession	2 August 1965	WHO, ICAO, ILO, FAO, UNESCO, BANK, FUND, UPU, ITU, WMO, IMCO, IFC, IDA
Nepal[29]	Notification	28 September 1965	ICAO, FAO, UNESCO, BANK, FUND, UPU, ITU
Netherlands	Notification	18 March 1965	WHO—Third revised text of annex VII
	Notification	28 June 1965	FAO—Revised text of annex II, IMCO, IFC, IDA
Thailand	Notification	28 April 1965	UPU
Trinidad and Tobago	Accession	19 October 1965	WHO, ICAO, ILO, FAO, UNESCO, BANK, FUND, UPU, ITU, WMO, IMCO

As of 31 December 1965, fifty-three States were parties to the Convention.

---

might have been necessary to deal with the 1,400 cases submitted and to settle those in which United Nations responsibility was found.

Following consultations, the Belgian Government agreed to act as an intermediary and also agreed that the payment of a lump sum amounting to $1.5 million would constitute a final and definite settlement of the matter. At the same time, a number of financial questions which were outstanding between the United Nations and Belgium were settled. Payment was effected by offsetting the amount of $1.5 million against unpaid ONUC assessments amounting approximately to $3.2 million.

Similar arrangements are being discussed with the Governments of other countries, the nationals of which have similarly suffered damage giving rise to United Nations liability. About 300 unsettled claims fall within this category.

In making these arrangements, the Secretary-General has acted in his capacity of chief administrative officer of the Organization, consistently with the established practice of the United Nations under which claims addressed to the Organization by private individuals are considered and settled under the authority of the Secretary-General.

As requested by you, I have arranged for your letter to be circulated as an official Security Council document (S/6589). I am also communicating to the Security Council the text of this reply together with the relevant letters exchanged with the Belgian Government.

[27] United Nations, *Treaty Series*, vol. 33, p. 261.

[28] 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.

[29] The instrument of accession was deposited with the Director-General of the World Health Organization.

2. INTERNATIONAL LABOUR ORGANISATION

Agreement between the Italian Government and the ILO concerning the International Centre for Advanced Technical and Vocational Training.[30] Signed at Rome on 24 October 1964

Article 2

In accordance with article VIII of its Statute, the Centre shall possess legal personality and such legal capacity as is necessary for the fulfilment of its purposes, including in particular the capacity—

(*a*) to contract;

(*b*) to acquire and dispose of movable and immovable property;

(*c*) to institute and defend legal proceedings.

Article 3

1. In accordance with paragraph 2 of article VIII of its Statute, the Centre itself, the members of the Board and the Programmes Committee of the Centre, and the staff of the Centre shall enjoy in Italy the privileges and immunities enjoyed by the International Labour Organisation under the Convention concerning the Privileges and Immunities of the Specialized Agencies as adopted by the General Assembly of the United Nations on 21 November 1947 and accepted on behalf of the International Labour Organisation by the International Labour Conference on 10 July 1948.

2. The Italian authorities shall take all measures likely to facilitate access to, exit from and sojourn on Italian territory of all persons having official business with the Centre.

---

3. FOOD AND AGRICULTURE ORGANIZATION OF THE UNITED NATIONS

Resolution No. 21/65: Amendment to paragraph 3 of Annex II of the Convention on the Privileges and Immunities of the Specialized Agencies

The Conference

Considering that paragraph 3 of Annex II to the Convention on the Privileges and Immunities of the Specialized Agencies provides that the Deputy Director-General shall enjoy the privileges and immunities granted to the Director-General under section 21 of the standard clauses of the Convention;

Considering it desirable to extend the privileges and immunities to the Assistant Directors-General of the Organization;

Decides to amend paragraph 3 of Annex II of the Convention by the addition of the words underlined;

> "3. The privileges, immunities, exemptions and facilities referred to in section 21 of the standard clauses shall be accorded to the Deputy Director-General *and the Assistant Directors-General of the Organization.*"

Requests the Director-General to transmit Annex II as revised to the Secretary-General of the United Nations, and to such Member Nations of the Organization as are not members of the United Nations.

8 December 1965

---

[30] Came into force on 28 June 1965.

4. UNITED NATIONS EDUCATIONAL, SCIENTIFIC AND CULTURAL ORGANIZATION

(*a*) Agreement between UNESCO and the Government of Kenya regarding the establishment of a regional Centre for Science and Technology for Africa in Nairobi.[31] Signed at Paris on 8 February 1965 and at Nairobi on 24 March 1965

Article III

In all matters connected with the Centre the Government shall apply to UNESCO, its property, funds, assets and officials, the provisions of the Convention on the Privileges and Immunities of the Specialized Agencies, subject to Annex IV thereof, it being understood in particular that no restriction shall be placed upon the right of entry, sojourn and departure of any person invited by UNESCO to Kenya to attend meetings, or otherwise in connection with UNESCO business, without distinction of nationality.

Article IV

(*a*) The Government recognizes the inviolability of the Centre which shall be under the sole control and authority of UNESCO.

(*b*) No officer or official of the Government, whether administrative, judicial, military or police, shall enter the Centre to perform any duties there except with the consent of, and under conditions agreed to by the Director-General of UNESCO or the Director of the Centre.

(*c*) The appropriate authorities of Kenya shall exercise due diligence to ensure that the tranquillity of the Centre is not disturbed by any person or group of persons attempting unauthorized entry or creating disturbances in the immediate vicinity of the Centre.

(*d*) If so requested by the Director of the Centre, the appropriate authorities of Kenya shall provide a sufficient number of police for the preservation of law and order in the Centre and for the removal therefrom of offenders.

(*e*) In case of any interruption or threatened interruption of any necessary public services, including but not limited to, fire, protection, electricity, water, sewage, post, telephone and telegraph, the appropriate authorities of Kenya shall consider the needs of UNESCO as being of equal importance with those of the essential agencies of the Government and shall take steps accordingly to ensure that the work of UNESCO is not prejudiced.

(*f*) UNESCO shall be exempt from customs duty and prohibitions and restrictions in respect of the import and export of publications, still and moving picture films, sound recordings and any other material or equipment required for the production of teaching aids or exhibitions.

(*g*) The Government shall refund import duty and consumption tax on petrol and lubricating oils, upon application on a prescribed form supported by invoices. This refund shall apply to petrol and lubricating oils, for vehicles required for the official use of the UNESCO Centre, in quantities and at rates prevailing for diplomatic missions in Kenya. Each UNESCO Staff member assigned to the Centre may import 1 automobile for personal use upon his arrival in Kenya (*i.e.* 3 months first arrival privileges as applied to all technical staff).

Article V

In addition to the privileges, immunities and facilities provided in Article III above:

(*a*) The Director and the Deputy-Director of the Centre, their spouses and minor children shall enjoy on Kenya territory the privileges, immunities, exemptions and

[31] Came into force on 24 March 1965.

facilities accorded by the Government to diplomatic envoys accredited to the Government.

(*b*) All other UNESCO officials of a professional grade of P-4 or above assigned to the Centre or performing services there together with their spouses and minor children and all officials of the United Nations or any of the Specialized Agencies of the United Nations of professional grade of P-4 or above assigned to the Centre or performing services there, together with their spouses and minor children shall receive first arrival privileges applied to all foreign technical staff in Kenya.

The Director-General shall communicate to the Ministry of Foreign Affairs of the Government the names and addresses of the persons mentioned in the two preceding subparagraphs.

(*b*) Agreement between UNESCO and the Government of Sudan concerning the establishment of a Regional School Building Centre for Africa.[32] Signed at Paris on 17 March 1965 and at Khartoum on 22 May 1965

Article VI

Legal capacity and immunities of the Centre

...

4. The Government shall apply to the Organization, its assets, income and other property as well as its personnel, whether attached to the Centre or not, the provisions of the Convention on the Privileges and Immunities of the Specialized Agencies.

(*c*) Agreement between the Government of Thailand and UNESCO concerning the Conference of Ministers of Education and Ministers responsible for Economic Planning of Member States in Asia, with Annexes.[33] Signed at Bangkok on 28 April 1965

Annex I

4. *Privileges and immunities.* The Government of Thailand agrees to apply to UNESCO, its officials, experts and all delegates and participants mentioned in Clause 2 the provisions of the Convention on the Privileges and Immunities of the Specialized Agencies subject to Annex IV, thereof, to which Thailand is a party, and accord them without any distinction permission for entry and sojourn in Thailand and departure therefrom.

(*d*) Letter of agreement between the Government of Iran and UNESCO with reference to the World Congress of Ministers of Education in Literacy (Teheran, 8-19 September 1965).[34] Signed at Paris on 17 May 1965

III. *Privileges and immunities*

For the duration of the Congress, the Iranian Government will apply the provisions of the Convention on the Privileges and Immunities of the Specialized Agencies and of Annex IV thereto, and will grant all the privileges, immunities and facilities necessary in connexion with

[32] Came into force on 22 May 1965.

[33] Came into force on 28 April 1965.

[34] Came into force on 17 May 1965.

the Congress, it being understood, in particular, in consideration of article 6, paragraph 3 of the Rules of Procedure for the calling of International Conferences of States, that no restriction will be placed upon the right of entry into, residence in or departure from its territory of persons required to attend the Congress in an official capacity, whatever their nationality.

(*e*) Agreement between the Government of Argentina and UNESCO concerning the Conference of Ministers of Education and Ministers responsible for Economic Planning in the countries of Latin America and the West Indies (Buenos Aires, 20-30 June 1966).[35] Signed at Paris on 8 November and 3 December 1965

II. *Privileges and immunities*

The Argentine Government will apply, in connexion with all matters relating to the Conference, the provisions of the Convention on the Privileges and Immunities of the Specialized Agencies and of Annex IV thereto relating to UNESCO, to which Argentina has been a party since 16 October 1963. In particular, it will guarantee that no restriction is placed upon the right of entry into, residence in, or departure from its territory of persons attending the Conference in an official capacity, whatever their nationality.

(*f*) Letter of agreement between the Government of Libya and UNESCO concerning the Conference of Ministers of Education and Ministers responsible for Economic Planning in the Arab States (Tripoli, 5-10 March 1966).[36] Signed at Paris on 21 October 1965 and at Tripoli on 18 November 1965

Privileges and Immunities

The Government of the Kingdom of Libya will apply the provisions of the Convention on the Privileges and Immunities of the Specialized Agencies and Annex IV thereto relating to UNESCO, to which it has been a party since 30 April 1958, in respect of the Conference. In particular, it will ensure that no restriction is placed upon the right of entry into and sojourn in as well as departure from its territory of all persons entitled to attend the Conference in an official capacity, without distinction of nationality.

---

5. INTERNATIONAL CIVIL AVIATION ORGANIZATION

Agreement between the Government of Thailand and ICAO regarding the Far East and Pacific Office of the said Organization.[37] Signed at Montreal on 22 September 1965 and at Bangkok on 18 October 1965

THE GOVERNMENT OF THE KINGDOM OF THAILAND AND THE INTERNATIONAL CIVIL AVIATION ORGANIZATION

DESIRING to conclude an agreement regarding the Far East and Pacific Office of the International Civil Aviation Organization,

HAVE AGREED as follows:

---

[35] Came into force on 3 December 1965.

[36] Came into force on 18 November 1965.

[37] Came into force on 24 November 1965.

Article I

Definitions

Section 1

In this Agreement:

(*a*) the expression "ICAO" means the International Civil Aviation Organization;

(*b*) the expression "Regional Office" means the Far East and Pacific Office of ICAO;

(*c*) the expression "The Government" means the Government of the Kingdom of Thailand;

(*d*) the expression "Secretary General" means the Secretary General of ICAO, and during his absence from duty the officer designated by him to act on his behalf;

(*e*) the expression "Regional Representative" means the Regional Representative for the Far East and Pacific Office of ICAO, and in his absence, his duly authorized Deputy;

(*f*) the expression "appropriate Thai authorities" means such national, or other authorities in the Kingdom of Thailand as may be appropriate in the context and in accordance with the laws and customs applicable in the Kingdom of Thailand;

(*g*) the expression "laws of the Kingdom of Thailand" includes legislative acts and decrees, regulations or orders, issued by or under authority of the Government or appropriate Thai authorities;

(*h*) the expression "Member Nation" means a nation which is a Member of ICAO;

(*i*) the expression "Representatives of Member Nations" includes all representatives, alternates, advisers and technical experts and secretaries of delegations;

(*j*) the expression "meetings convened by ICAO" means meetings of the Assembly of ICAO, the Council of ICAO, any international conference or other gathering convened by ICAO and any commission, committee or sub-group of any of these bodies;

(*k*) the expression "Regional Office Seat" means the premises occupied by the Regional Office;

(*l*) the expression "archives of ICAO" includes records and correspondence, documents, manuscripts, still and moving pictures and films, and sound recordings belonging to or held by ICAO;

(*m*) the expression "Officers of ICAO" means all ranks of the ICAO Secretariat engaged by the Secretary General or on his behalf, other than manual workers locally recruited;

(*n*) the expression "property" as used in Article VIII, means all property, including funds and assets, belonging to ICAO or held or administered by ICAO in furtherance of its constitutional functions, and all income of ICAO.

Article II

Juridical Personality and Freedom of Assembly

Section 2

The Government recognizes the juridical personality of ICAO, and ICAO shall have the capacity:

(*a*) to contract;

(*b*) to acquire and dispose of movable and immovable property;

(*c*) to institute legal proceedings.

Section 3

The Government recognizes the right of ICAO to convene meetings within the Regional Office Seat, or with the concurrence of the appropriate Thai authorities, elsewhere in Thailand. At meetings convened by ICAO, the Government shall take all proper steps to ensure that no impediment is placed in the way of full freedom of discussion and decision.

Article III

The Regional Office Seat

Section 4

The Government grants free of charge to ICAO and ICAO accepts as from the date of entry into force and during the life of this Agreement, the use and occupancy of premises constituting the ground floor of the left wing of Sala Santitham, Bangkok, for the operation of the Regional Office.

Section 5

With respect to the Regional Office Seat:

(*a*) Except in case of faults attributable to ICAO, the Government shall be responsible for exterior repairs and maintenance and for all charges of major repairs of a nonrecurring nature, in particular, but without limitation by reason of this enumeration, the repair of damage resulting from fire, *force majeure*, structural defects of such installations, and for the replacement within a reasonable period, of any building or part thereof in the Regional Office Seat which may be totally or partially destroyed;

(*b*) ICAO shall be responsible for all ordinary repairs for the upkeep and maintenance of the interior of the premises.

Article IV

Inviolability of the Regional Office Seat

Section 6

(*a*) The Government recognizes the inviolability of the Regional Office Seat which shall be under the control and authority of ICAO, as provided in this Agreement.

(*b*) No officer or official of the Government, whether administrative, judicial, military or police, shall enter the Regional Office Seat to perform any official duties therein except with the consent of, and under conditions agreed to by the Secretary General or the Regional Representative.

(*c*) Without prejudice to the provisions of Article X, ICAO shall prevent the Regional Office Seat from being used as a refuge by persons who are avoiding arrest under any law of Thailand, or who are required by the Government for extradition to another country, or who are endeavouring to avoid service of legal process or judicial proceedings.

Article V

Protection of the Regional Office Seat

Section 7

(*a*) The appropriate Thai authorities shall exercise due diligence to ensure that the tranquillity of the Regional Office Seat is not disturbed by any person or group of persons attempting unauthorized entry or creating disturbances in the immediate vicinity of the Regional Office Seat.

(*b*) If so requested by the Regional Representative, the appropriate Thai authorities shall provide a sufficient number of police for the preservation of law and order in the Regional Office Seat and for the removal therefrom of offenders.

Article VI

Public Services

Section 8

(*a*) The appropriate Thai authorities shall exercise, to the extent requested by the Secretary General or the Regional Representative, their respective powers to ensure that the Regional Office Seat shall be supplied with the necessary public services, including, without limitation by reason of this enumeration, fire protection, electricity, water, sewerage, post, telephone, and telegraph, and that such public services shall be supplied on equitable terms. In case of any interruption or threatened interruption of any such services, the appropriate Thai authorities shall consider the needs of ICAO as being of equal importance with those of essential agencies of the Government and shall take steps accordingly to ensure that the work of ICAO is not prejudiced.

(*b*) Where electricity or water are supplied by appropriate Thai authorities or bodies under their control, ICAO shall be supplied at special tariffs which shall not exceed the lowest rates accorded to Thai governmental administration.

Article VII

Communications

Section 9

ICAO shall enjoy for its official communications treatment not less favourable than that accorded by the Government to any other Organization or Government, including the diplomatic mission of any such other Government, in the matter of priorities and rates on mails, cables, telegrams, radiograms, telephotos, telephone and other communications; and press rates for information to press and radio.

Section 10

ICAO shall be entitled, for its official purposes, to use the transport facilities of the Government under the same conditions as may be granted to resident diplomatic missions.

Section 11

(*a*) No censorship shall be applied to the official correspondence or other communications of ICAO. Such immunity shall extend, without limitation by reason of this enumeration, to publications, still and moving pictures, and films and sound recordings. In case of emergency requiring the enforcement of censorship in Thailand, the appropriate Thai authorities shall consult with the Regional Representative with a view to reaching agreement on appropriate steps to be taken by him or by the appropriate Thai authorities in order to avoid abuse of the immunity from censorship enjoyed by the official communications of ICAO and its officers.

(*b*) ICAO shall have the right to use codes and to despatch and receive correspondence and other official communications by courier or in sealed bags, which shall have the same privileges and immunities as diplomatic couriers and bags.

(*c*) Nothing in this section shall be construed to preclude the adoption of appropriate security precautions to be determined by supplemental agreement between ICAO and the Government.

Article VIII

Property of ICAO and Taxation

Section 12

ICAO, its property and assets, wherever located and by whomsoever held shall enjoy immunity from every form of legal process except in so far as in any particular case the Secre-

tary General shall have expressly waived its immunity. It is however understood that no waiver of immunity shall extend to any measure of execution.

Section 13

The property and assets of ICAO, wherever located and by whomsoever held, shall be immune from search, requisition, confiscation, expropriation and any other form of interference, whether by executive, administrative, judicial or legislative action.

Section 14

The archives of ICAO, and in general all documents belonging to ICAO or held by it, shall be inviolable wherever located.

Section 15

The assets, income and other property of ICAO shall be exempt:

(*a*) from any form of direct taxation. ICAO, however, will not claim exemption from taxes which are, in fact, no more than charges for public utility services;

(*b*) from customs duties and from prohibitions and restrictions on imports and exports in respect of articles imported or exported by ICAO for its official use, on the understanding that articles imported under such exemption will not be sold within the country except in accordance with conditions to be mutually agreed upon;

(*c*) from customs duties and prohibitions and restrictions in respect of the import and export of its publications, still and moving pictures and films and sound recordings.

Section 16

(*a*) ICAO shall be exempt from levies and duties on operations and transactions, and from excise duties, sales and luxury taxes and all other indirect taxes when it is making important purchases for official use by ICAO of property on which such duties or taxes are normally chargeable. However, ICAO will not, as a general rule, claim exemption from excise duties, and from taxes on the sale of movable and immovable property which form part of the price to be paid, and cannot be identified separately from the sale price;

(*b*) the Government shall grant, if requested, allotments of gasoline or other required fuels and lubricating oils for vehicles required for the official use of ICAO in quantities and at rates prevailing for diplomatic missions in Thailand.

Article IX

Financial Facilities

Section 17

(*a*) Without any financial controls, regulations or moratoria of any kind:

(i) ICAO may hold funds, gold or currency of any kind and operate foreign currency accounts in any currency;

(ii) ICAO shall be free to transfer its funds, securities, gold or currency from one country to another or within Thailand and to convert any currency held by it into any other currency;

(*b*) ICAO shall, in exercising its rights under this section, pay due regard to any representations made by the Government in so far as effect can be given to such representations without detriment to the interest of ICAO;

(*c*) The Government shall render to ICAO the same privileges as accorded to diplomatic missions in respect of exchange facilities.

Article X

Transit and Residence

Section 18

(*a*) The appropriate Thai authorities shall impose no impediment to transit to or from the Regional Office Seat, or to residence of the following persons, irrespective of their nationalities, when on official ICAO business, and shall afford them any necessary protection:

(i) The President of the Council of ICAO, the Secretary General, representatives of Member Nations, of the United Nations, or of the Specialized Agencies, and their spouses;

(ii) Officers of ICAO and their families;

(iii) Officers of the Regional Office, their families and other members of their households;

(iv) Persons other than officers of ICAO, performing missions for ICAO, and their spouses;

(v) Other persons invited to the Regional Office Seat on official business. The Regional Representative or the Secretary General shall communicate the names of such persons to the Government within a reasonable time.

(*b*) This section shall not apply to general interruptions in transportation, which shall be dealt with as provided in Section 8 (*a*) and shall not impair the effectiveness of generally applicable laws as to the operation of means of transportation.

(*c*) Visas which may be required for persons referred to in this section shall be granted without charge and as promptly as possible.

(*d*) No activity performed by any such person in his official capacity as described in sub-section (*a*) shall constitute a reason for preventing his entry into Thailand or for requiring him to leave Thailand.

(*e*) In case of abuse of the privilege of transit or residence by any such person in activities in Thailand outside his official capacity, such privilege shall not be construed to grant him exemption from the laws of the Kingdom of Thailand regarding residence of aliens, provided that:

(i) no proceeding shall be instituted under such laws to require any such person to leave Thailand except with the prior approval of the Minister of Foreign Affairs of the Kingdom of Thailand;

(ii) in the case of the representative of a Member Nation such approval shall be given only after consultation with the Government of the appropriate Member Nation;

(iii) in the case of any other person mentioned in sub-section (*a*), such approval shall be given only after consultation with the Regional Representative or the Secretary General, the Secretary-General of the United Nations or the principal executive officer of the appropriate Specialized Agency, as the case may be;

(iv) a representative of the Member Nation concerned, the Regional Representative or the Secretary General, the Secretary-General of the United Nations, or the principal executive officer of the appropriate Specialized Agency, as the case may be, shall have the right to appear and be heard in any such proceedings on behalf of the person against whom they shall have been instituted;

(v) persons who are entitled to diplomatic privileges and immunities shall not be required to leave Thailand otherwise than in accordance with the customary procedure applicable to diplomatic envoys accredited to the Kingdom of Thailand.

(*f*) This section shall not prevent the requirement of reasonable evidence to establish that persons claiming the rights granted by this section come within the classes described in sub-section (*a*), or the reasonable application of quarantine and health regulations.

Article XI

President of Council, Secretary General and Representatives at Meetings

Section 19

The President of the Council of ICAO, the Secretary General, representatives of Member Nations, representatives or observers of other Nations, and representatives of the United Nations and the Specialized Agencies at meetings convened by ICAO shall be entitled, in the territory of Thailand while exercising their functions and during their journeys to and from the Regional Office Seat and other places of meetings, to the same privileges and immunities as are provided for under Article V (Sections 13 to 17 inclusive) of the Convention on the Privileges and Immunities of the Specialized Agencies, and in paragraph 1 of Annex III to that Convention.

Article XII

Officers of ICAO

Members of ICAO Missions

Persons invited to the Regional Office Seat on Official Business

Section 20

Officers of ICAO shall enjoy within and with respect to the Kingdom of Thailand the following privileges and immunities:

(*a*) immunity from personal arrest or detention;

(*b*) immunity from seizure of their personal and official baggage;

(*c*) immunity from legal process of any kind with respect to words spoken or written and all acts performed by them in their official capacity, such immunity to continue notwithstanding the fact that the persons concerned might have ceased to be officers of ICAO;

(*d*) exemption from any form of direct taxation on salaries and emoluments paid to them by ICAO;

(*e*) exemption for officers of other than Thai citizenship from any form of direct taxation on income derived from sources outside Thailand;

(*f*) exemption, with respect to themselves, their spouses and relatives dependent on them, from immigration restrictions and alien registration;

(*g*) exemption from national service obligations for officers of ICAO who are not Thai citizens;

(*h*) for officers who are not Thai citizens, freedom to maintain within Thailand or elsewhere foreign securities and other movable and immovable property; and whilst employed by ICAO and at the time of termination of such employment, the right to take out of Thailand funds in United States dollars or other currencies without any restrictions or limitation provided that the said officers can show good cause for their lawful possession of such funds. In particular, they shall have the right to take out of Thailand their funds in the same currencies and up to the same amounts as they brought into Thailand through authorized channels;

(*i*) the same protection and repatriation facilities with respect to themselves, their families and other members of their households, as are accorded to diplomatic envoys in time of international crises;

(*j*) the right to import, free of duty and other levies, prohibitions and restrictions on import, their furniture and effects within six months after first taking up their posts

in Thailand, or, in the case of officers who have not completed their probationary periods, within six months after confirmation of their employment with ICAO; the same regulations shall apply in the case of importation, transfer and replacement of automobiles as are in force for the resident members of diplomatic missions of comparable rank;

(*k*) in the event of the death of an officer of ICAO or any member of his family forming part of his household, who is not a national of or permanent resident of Thailand, the Government of Thailand shall impose no impediment to the export of the movable property of the deceased, with the exception of any property acquired in the country the export of which is prohibited at the time of his death; estate, succession and inheritance duties or taxes shall not be levied on movable property the presence of which in Thailand is due solely to the presence there of the deceased as an officer of ICAO or as a member of his family.

Section 21

The names of the officers of ICAO shall be communicated to the appropriate Thai authorities from time to time.

Section 22

(*a*) The Government shall accord to the officers of the Regional Office designated by the Secretary General, diplomatic privileges and immunities.

(*b*) For this purpose the officers of the Regional Office shall be incorporated by the Ministry of Foreign Affairs, in consultation with the Secretary General, into the appropriate diplomatic categories and shall enjoy the customs exemptions granted to such diplomatic categories in Thailand.

(*c*) All officers of the Regional Office shall be provided with a special identity card certifying the fact that they are officers of ICAO enjoying the privileges and immunities specified in this Agreement.

Section 23

Persons other than officers of ICAO, who are members of ICAO missions, or who are invited to the Regional Office Seat by ICAO on official business, shall be accorded the privileges and immunities specified in Section 20, except those specified in sub-section (*j*).

Section 24

(*a*) The privileges and immunities accorded by this Article are conferred in the interests of ICAO and not for the personal benefit of the individuals themselves. The Secretary General shall waive the immunity of any officer in any case where, in his opinion, the immunity would impede the course of justice and could be waived without prejudice to the interests of ICAO.

(*b*) ICAO and its officers shall co-operate at all times with the appropriate Thai authorities to facilitate the proper administration of justice, to secure the observance of police regulations and to prevent the occurrence of any abuses in connexion with the privileges and immunities accorded by this Article.

Article XIII

Laissez-Passer

Section 25

The Government shall recognize and accept the United Nations *Laissez-Passer* issued to officers of ICAO, the Secretary General and the President of the Council, as a valid travel document equivalent to a passport. Applications for visas from holders of United Nations *Laissez-Passer* shall be dealt with as speedily as possible.

Section 26

Similar facilities to those specified in Section 25 shall be accorded to persons who, though not the holders of United Nations *Laissez-Passer*, have a certificate that they are travelling on the business of ICAO.

Article XIV

General Provisions

Section 27

(*a*) The Secretary General and the Regional Representative shall take every precaution to ensure that no abuse of a privilege or immunity conferred by this Agreement shall occur, and for this purpose shall establish such rules and regulations as they may deem necessary and expedient for officers of ICAO and persons performing missions for ICAO.

(*b*) Should the Government consider that an abuse of privilege or immunity conferred by this Agreement has occurred, the Secretary General or the Regional Representative, shall, upon request, consult with the appropriate Thai authorities to determine whether any such abuse has occurred. If such consultations fail to achieve a result satisfactory to the Secretary General and the Government, the matter shall be determined in accordance with the procedure set out in Article XV.

Article XV

Supplemental Agreements and Settlement of Disputes

Section 28

(*a*) The Government and ICAO may enter into such supplemental agreements as may be necessary within the scope of this Agreement.

(*b*) In view of the accession by Thailand to the Convention on the Privileges and Immunities of the Specialized Agencies, such Convention and this Agreement shall, where they relate to the same subject matter, be treated as complementary.

Section 29

Any dispute between ICAO and the Government concerning the interpretation or application of this Agreement or any supplemental agreements, or any question affecting the Regional Office Seat or the relationships between ICAO and the Government, which is not settled by negotiation or other agreed mode of settlement, shall be referred for final decision to a tribunal of three arbitrators; one to be chosen by the Secretary General, one to be chosen by the Minister of Foreign Affairs of the Kingdom of Thailand, and the third, who shall be Chairman of the tribunal, to be chosen by the first two arbitrators. Should the first two arbitrators fail to agree upon the third, such third arbitrator shall be chosen by the President of the International Court of Justice.

Article XVI

Entry into force, Operation, and Denunciation

Section 30

(*a*) This Agreement shall enter into force upon approval by the ICAO Council and ratification by the Government.

(*b*) Consultations with respect to modification of this Agreement shall be entered into at the request of the Government or ICAO. Any such modification shall be by mutual consent.

(*c*) This Agreement shall be construed in the light of its primary purpose to enable the Regional Office fully and efficiently to discharge its responsibilities and fulfil its purpose.

(*d*) Where this Agreement imposes obligations on the appropriate Thai authorities, the ultimate responsibility for the fulfilment of such obligations shall rest with the Government.

(*e*) This Agreement and any supplemental agreement entered into by the Government and ICAO pursuant to this Agreement shall cease to be in force twelve months after either the Government or ICAO shall have given notice in writing to the other of its decision to terminate this Agreement, except for such provisions as may be applicable in connexion with the orderly termination of the operations of ICAO at its Regional Office in the Kingdom of Thailand and the disposition of its property therein.

(*f*) This Agreement replaces the Notes dated 23 December 1954 and 5 February 1955 exchanged between the President of the Council of ICAO and the Minister of Foreign Affairs of Thailand.

IN WITNESS WHEREOF the Government and ICAO have signed this Agreement in duplicate in the English language.

For the Government of the Kingdom of Thailand	For the International Civil Aviation Organization
Bangkok, 18 October 1965.	Montreal, 22 September 1965.
Thanat KHOMAN Minister of Foreign Affairs	W. BINAGHI President of the Council

6. INTERNATIONAL TELECOMMUNICATION UNION

(*a*) Agreement between the Swiss P.T.T. Administration and the Secretary-General of the ITU relating to the steps to be taken for the organization of a Plenipotentiary Conference of the International Telecommunication Union.[38] Signed at Berne and Geneva on 4 April 1964

2. *Invitations*

2.1 Invitations to the Conference shall be issued in accordance with Nos. 501, 503 and 504 of the International Telecommunication Convention Geneva, 1959 (hereinafter referred to as "the Convention").

2.2 In accordance with Administrative Council Decision No. D 304, the Swiss P.T.T. Administration shall apply without reservation the provisions of the Convention. The Swiss Government shall, as the inviting Government, permit all persons attending the Conference, whether as part of the delegations of Members and Associate Members of the Union, or as observers, together with their families, to enter Switzerland and to stay in any part of it throughout the duration of their function or mission in connection with the Conference.

3. *Privileges and Immunities*

3.1 The Swiss P.T.T. Administration shall take all necessary steps to ensure the application of the relevant provisions of the Convention on Privileges and Immunities of the Specialized Agencies.

3.2 The Swiss P.T.T. Administration shall grant telegraph and telephone franking privileges, in accordance with the rules set forth in Opinion No. 1 of the Telegraph and

[38] Came into force on 4 April 1964.

Telephone Conference, Geneva, 1958. It shall make known, before the opening of the Conference, the privileges available.

(*b*) Agreement between the Norwegian Telecommunication Administration and the ITU relating to the organization of the XIth Plenary Assembly of the International Radio Consultative Committee (C.C.I.R.).[39] Signed at Geneva on 2 July 1965 and at Oslo on 7 July 1965

A. General provisions

4. *Privileges and Immunities*

(*a*) The Convention on the Privileges and Immunities of the United Nations and of the Specialized Agencies, to which the Government of Norway is a party, shall be applicable in respect of the Assembly. Assembly premises for the purpose of such application shall be deemed to constitute premises of the ITU, and access thereto shall be under the control and authority of the ITU.

(*b*) The relevant Articles of the Convention on the Privileges and Immunities of the United Nations and of the Specialized Agencies shall be applicable to persons attending the Assembly on behalf of Members and Associate Members of the Union and other bodies invited, and officials of the Union, as well as their families. The inviting Administration shall apply without reservation the provisions of the International Telecommunication Convention, Geneva 1959, to such persons and shall permit them to enter Norway and to sojourn therein throughout the duration of their function or mission in connection with the conference or meeting.

(*c*) Staff provided by the inviting Administration and locally recruited shall, however, enjoy only an immunity from legal process in respect of words spoken or written and all acts performed by them in their official capacity in the Assembly.

G. Franking privileges

The inviting Administration shall make all arrangements relative to the telegraph and telephone franking privileges mentioned in Opinion No. 1 of the Ordinary Administrative Telegraph and Telephone Conference (Geneva, 1958). The extent of these privileges shall be communicated to participants before the Assembly begins, if possible.

H. Miscellaneous

1. *Consular and customs formalities*

The inviting Administration shall take the necessary steps, within the limits set by the law and the customs regulations of the Kingdom of Norway, and in accordance with the relevant provisions of the Convention on the Privileges and Immunities of the Specialized Agencies to facilitate, as far as possible, for participants in the Assembly (including the Secretariat) and for the persons accompanying them, delivery of visas and customs formalities in connection with their personal effects, on both entering and leaving the Kingdom of Norway.

2. *Fiscal provisions*

The salaries and emoluments paid to persons who, under the income-tax law, are not considered as residing in Norway, shall not be subject to income-tax in that country.

---

[39] Came into force on 7 July 1965.

Agreement on the Privileges and Immunities of the IAEA.[40] Approved by the Board of Governors of the Agency on 1 July 1959

(a) Deposit of instruments of acceptance

The following State accepted the Agreement on the Privileges and Immunities of the IAEA in 1965:[41]

State	*Date of deposit of the instrument of acceptance*
Belgium[42]	26 October 1965

This brought up to 20 the number of States parties to this Agreement.

(b) Incorporation of the Agreement by reference in other agreements

(*i*) Part VI, section 24 of the Agreement between the IAEA, the Government of the Kingdom of Denmark and the Government of the United Kingdom of Great Britain and Northern Ireland for the application of safeguards in respect of the Agreement between those Governments concerning co-operation in the promotion and development of the peaceful uses of atomic energy (INFCIRC/63); entered into force on 23 June 1965.

(*ii*) Article III, section 17 of the Agreement between the IAEA, the Government of the Kingdom of Thailand and the Government of the United States of America for the application of safeguards (INFCIRC/68); entered into force on 10 September 1965.

(*iii*) Article VI, section 9 of the Agreement between the IAEA and the Government of the Oriental Republic of Uruguay for assistance by the Agency to Uruguay in establishing a reactor project (INFCIRC/67, II); entered into force on 24 September 1965.

(*iv*) Article IV, section 5 of the Project Agreement between the IAEA and the Royal Government of Morocco concerning arrangements for the delivery of radiotherapy equipment (INFCIRC/74); entered into force on 24 September 1965.

(*v*) Section 4 (*e*) of the Project Agreement between the IAEA and the Royal Government of Afghanistan regarding arrangements for the transfer of therapeutic irradiation equipment (INFCIRC/73); entered into force on 24 September 1965.

(*vi*) Article III, section 17 of the Agreement between the IAEA, the Government of the Republic of the Philippines and the Government of the United States of America for the application of safeguards (INFCIRC/69); entered into force on 24 September 1965.

(*vii*) Article III, section 17 of the Agreement between the IAEA, the Government of the Republic of South Africa and the Government of the United States of America for the application of safeguards (INFCIRC/70); entered into force on 8 October 1965.

(*viii*) Article III, section 17 of the Agreement between the IAEA, the Government of the United States of America and the Government of the Republic of Viet-Nam for the application of safeguards (INFCIRC/71); entered into force on 25 October 1965.

(*ix*) Article III, section 17 of the Agreement between the IAEA, the Government of the Republic of China and the Government of the United States of America for the application of safeguards (INFCIRC/72); entered into force on 29 October 1965.

---

[40] United Nations, *Treaty Series*, vol. 374, p. 147.

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

[42] With the following reservation: "... hereby excludes from the application of the said agreement the provisions contained in the last sentence of article VI, section 20."

(*x*) Article III, section 17 of the Agreement between the IAEA, the Government of the Republic of Austria and the Government of the United States of America for the application of safeguards (INFCIRC/76); entered into force on 13 December 1965.

(*xi*) Article III, section 17 of the Agreement between the IAEA, the Government of Portugal and the Government of the United States of America for the application of safeguards (INFCIRC/77); entered into force on 15 December 1965.

(*xii*) Article VI of the Nordic Mutual Emergency Assistance Agreement in Connection with Radiation Accidents (INFCIRC/49), which entered into force between the Agency, Norway and Sweden on 19 June 1964 and in respect of Denmark on 17 August 1964;[43] Finland too has now deposited its ratification dated 11 June 1965 with the Agency on 16 June 1965 and therefore, as of the latter date, has become party to this Agreement.

---

[43] See *Juridical Yearbook*, 1964, p. 61.

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

A. Decisions, recommendations and reports of a legal character by the United Nations

United Nations General Assembly—twentieth session

1. URGENT NEED FOR SUSPENSION OF NUCLEAR AND THERMONUCLEAR TESTS: REPORTS OF THE CONFERENCE OF THE EIGHTEEN-NATION COMMITTEE ON DISARMAMENT (AGENDA ITEM 30)

Resolution [2032 (XX)] adopted by the General Assembly

2032 (XX). Urgent need for suspension of nuclear and thermonuclear tests

The General Assembly,

Having considered the question of the cessation of nuclear and thermonuclear weapon tests and the relevant sections of the reports of the Conference of the Eighteen-Nation Committee on Disarmament (A/5731, A/5986),

Recalling its resolution 1762 (XVII) of 6 November 1962 and 1910 (XVIII) of 27 November 1963 on the cessation of all test explosions of nuclear weapons,

Noting with regret that notwithstanding these resolutions nuclear weapon tests have taken place,

Recalling the undertaking given by the original signatories to the Treaty banning nuclear weapon tests in the atmosphere, in outer space and under water, signed at Moscow on 5 August 1963, to continue negotiations for the discontinuance of all test explosions of nuclear weapons for all time,

Recognizing the mounting concern of world opinion for the fulfilment of this undertaking,

Mindful of the crucial importance of a comprehensive test ban to the issue of non-proliferation of nuclear weapons,

Noting with satisfaction the joint memorandum on a comprehensive test ban treaty submitted by Brazil, Burma, Ethiopia, India, Mexico, Nigeria, Sweden and the United Arab Republic and annexed to the report of the Conference of the Eighteen-Nation Committee on Disarmament,[1]

Convinced that agreement in regard to taking this further step towards nuclear disarmament would be facilitated, *inter alia*, by the important improvements made in detection and identification techniques,

---

[1] See *Official Records of the Disarmament Commission, Supplement for January to December 1965*, document DC/227, annex 1, sect. F.

1. *Urges* that all nuclear weapon tests be suspended;

2. *Calls upon* all countries to respect the spirit and provisions of the Treaty banning nuclear weapon tests in the atmosphere, in outer space and under water;

3. *Requests* the Conference of the Eighteen-Nation Committee on Disarmament to continue with a sense of urgency its work on a comprehensive test ban treaty and on arrangements to ban effectively all nuclear weapon tests in all environments, taking into account the improved possibilities for international co-operation in the field of seismic detection, and to report to the General Assembly.

1388th plenary meeting
3 December 1965

---

2. REPORT OF THE UNITED NATIONS CONFERENCE ON TRADE AND DEVELOPMENT (AGENDA ITEM 37)

Resolution [2086 (XX)] adopted by the General Assembly

2086 (XX). Transit trade of land-locked countries

The General Assembly,

Considering that, in order to promote economic and social development through international trade, the land-locked States need adequate facilities to enable them to overcome the effects of their land-locked position on their trade,

Recalling its resolution 1028 (XI) of 20 February 1957, in which it recognized the problems of land-locked countries and invited the Governments of Member States to give full recognition to the needs of land-locked Member States in the matter of transit trade and, therefore, to accord them adequate facilities in terms of international law and practice in this regard, bearing in mind the future requirements resulting from the economic development of the land-locked countries,

Taking into account the recommendation contained in annex A.VI.1 of the Final Act of the United Nations Conference on Trade and Development,[2] which paved the way for the establishment of the Convention on Transit Trade of Land-locked States,

Noting with satisfaction that, upon that recommendation, the Convention on Transit Trade of Land-locked States was successfully concluded at the United Nations Conference on Transit Trade of Land-locked Countries as a step towards the normalization of transit trade of all land-locked countries,

1. *Reaffirms* the eight principles relating to transit trade of land-locked countries, adopted by the United Nations Conference on Trade and Development at its first session, in 1964, and contained in annex A.I.2 of the Final Act of the Conference;[3]

2. *Requests* that the Convention on Transit Trade of Land-locked States be signed by 31 December 1965 and ratified or acceded to as soon as possible in order to promote the economic and social development of the land-locked countries through international trade;

3. *Requests* the Secretary-General of the United Nations and the Secretary-General of the United Nations Conference on Trade and Development to be guided by the terms of the present resolution and the above-mentioned Convention in assisting the land-locked countries to overcome their difficulties regarding transit trade.

1404th plenary meeting
20 December 1965

---

[2] *Proceedings of the United Nations Conference on Trade and Development*, vol. I, *Final Act and Report* (United Nations publication, Sales No.: 64.II.B.11), p. 62.

[3] *Ibid.*, p. 25.

3. DRAFT INTERNATIONAL CONVENTION ON THE ELIMINATION OF ALL FORMS OF RACIAL DISCRIMINATION (AGENDA ITEM 58)

Resolution [2106 (XX)] adopted by the General Assembly

2106 (XX). International Convention on the Elimination of All Forms of Racial Discrimination

A

The General Assembly,

Considering that it is appropriate to conclude under the auspices of the United Nations an International Convention on the Elimination of All Forms of Racial Discrimination,

Convinced that the Convention will be an important step towards the elimination of all forms of racial discrimination and that it should be signed and ratified as soon as possible by States and its provisions implemented without delay,

Considering further that the text of the Convention should be made known throughout the world,

1. *Adopts* and opens for signature and ratification the International Convention on the Elimination of All Forms of Racial Discrimination, annexed to the present resolution;

2. *Invites* States referred to in article 17 of the Convention to sign and ratify the Convention without any delay;

3. *Requests* the Governments of States and non-governmental organizations to publicize the text of the Convention as widely as possible, using every means at their disposal, including all the appropriate media of information;

4. *Requests* the Secretary-General to ensure the immediate and wide circulation of the Convention and, to that end, to publish and distribute its text;

5. *Requests* the Secretary-General to submit to the General Assembly reports concerning the state of ratifications of the Convention, which will be considered by the General Assembly at future sessions as a separate agenda item.

1406th plenary meeting
21 December 1965

ANNEX

International Convention on the Elimination of All Forms of Racial Discrimination

The States Parties to this Convention,

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

Considering that the Universal Declaration of Human 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 therein, without distinction of any kind, in particular as to race, colour or national origin,

Considering that all human beings are equal before the law and are entitled to equal protection of the law against any discrimination and against any incitement to discrimination,

Considering that the United Nations has condemned colonialism and all practices of segregation and discrimination associated therewith, in whatever form and wherever they exist, and that the Declaration on the Granting of Independence to Colonial Countries and Peoples of 14 December 1960 (General Assembly resolution 1514(XV)) has affirmed and solemnly proclaimed the necessity of bringing them to a speedy and unconditional end,

Considering that the United Nations Declaration on the Elimination of All Forms of Racial Discrimination of 20 November 1963 (General Assembly resolution 1904 (XVIII)) 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,

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

Reaffirming that discrimination between human beings on the grounds of race, colour or ethnic origin is an obstacle to friendly and peaceful relations among nations and is capable of disturbing peace and security among peoples and the harmony of persons living side by side even within one and the same State,

Convinced that the existence of racial barriers is repugnant to the ideals of any human society,

Alarmed by manifestations of racial discrimination still in evidence in some areas of the world and by governmental policies based on racial superiority or hatred, such as policies of *apartheid*, segregation or separation,

Resolved to adopt all necessary measures for speedily eliminating racial discrimination in all its forms and manifestations, and to prevent and combat racist doctrines and practices in order to promote understanding between races and to build an international community free from all forms of racial segregation and racial discrimination,

Bearing in mind the Convention concerning Discrimination in respect of Employment and Occupation adopted by the International Labour Organisation in 1958, and the Convention against Discrimination in Education adopted by the United Nations Educational, Scientific and Cultural Organization in 1960,

Desiring to implement the principles embodied in the United Nations Declaration on the Elimination of All Forms of Racial Discrimination and to secure the earliest adoption of practical measures to that end,

Have agreed as follows:

PART I

Article 1

1. In this Convention, the term "racial discrimination" shall mean any distinction, exclusion, restriction or preference based on race, colour, descent, or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life.

2. This Convention shall not apply to distinctions, exclusions, restrictions or preferences made by a State Party to this Convention between citizens and non-citizens.

3. Nothing in this Convention may be interpreted as affecting in any way the legal provisions of States Parties concerning nationality, citizenship or naturalization, provided that such provisions do not discriminate against any particular nationality.

4. Special measures taken for the sole purpose of securing adequate advancement of certain racial or ethnic groups or individuals requiring such protection as may be necessary in order to ensure such groups or individuals equal enjoyment or exercise of human rights and fundamental freedoms shall not be deemed racial discrimination, provided, however, that such measures do not, as a consequence, lead to the maintenance of separate rights for different racial groups and that they shall not be continued after the objectives for which they were taken have been achieved.

Article 2

1. States Parties condemn racial discrimination and undertake to pursue by all appropriate means and without delay a policy of eliminating racial discrimination in all its forms and promoting understanding among all races, and, to this end:

(*a*) Each State Party undertakes to engage in no act or practice of racial discrimination against persons, groups of persons or institutions and to ensure that all public authorities and public institutions, national and local, shall act in conformity with this obligation;

(*b*) Each State Party undertakes not to sponsor, defend or support racial discrimination by any persons or organizations;

(*c*) Each State Party shall take effective measures to review governmental, national and local policies, and to amend, rescind or nullify any laws and regulations which have the effect of creating or perpetuating racial discrimination wherever it exists;

(*d*) Each State Party shall prohibit and bring to an end, by all appropriate means, including legislation as required by circumstances, racial discrimination by any persons, group or organization;

(*e*) Each State Party undertakes to encourage, where appropriate, integrationist multi-racial organizations and movements and other means of eliminating barriers between races, and to discourage anything which tends to strengthen racial division.

2. States Parties shall, when the circumstances so warrant, take, in the social, economic, cultural and other fields, special and concrete measures to ensure the adequate development and protection of certain racial groups or individuals belonging to them, for the purpose of guaranteeing them the full and equal enjoyment of human rights and fundamental freedoms. These measures shall in no case entail as a consequence the maintenance of unequal or separate rights for different racial groups after the objectives for which they were taken have been achieved.

Article 3

States Parties particularly condemn racial segregation and *apartheid* and undertake to prevent, prohibit and eradicate all practices of this nature in territories under their jurisdiction.

Article 4

States Parties condemn all propaganda and all organizations which are based on ideas or theories of superiority of one race or group of persons of one colour or ethnic origin, or which attempt to justify or promote racial hatred and discrimination in any form, and undertake to adopt immediate and positive measures designed to eradicate all incitement to, or acts of, such discrimination and, to this end, with due regard to the principles embodied in the Universal Declaration of Human Rights and the rights expressly set forth in article 5 of this Convention, *inter alia:*

(*a*) Shall declare an offence punishable by law all dissemination of ideas based on racial superiority or hatred, incitement to racial discrimination, as well as all acts of violence or incitement to such acts against any race or group of persons of another colour or ethnic origin, and also the provision of any assistance to racist activities, including the financing thereof;

(*b*) Shall declare illegal and prohibit organizations, and also organized and all other propaganda activities, which promote and incite racial discrimination, and shall recognize participation in such organization or activities as an offence punishable by law;

(*c*) Shall not permit public authorities or public institutions, national or local, to promote or incite racial discrimination.

Article 5

In compliance with the fundamental obligations laid down in article 2 of this Convention, States Parties undertake to prohibit and to eliminate racial discrimination in all its forms and to guarantee the right of everyone, without distinction as to race, colour, or national or ethnic origin, to equality before the law, notably in the enjoyment of the following rights:

(*a*) The right to equal treatment before the tribunals and all other organs administering justice;

(*b*) The right to security of person and protection by the State against violence or bodily harm, whether inflicted by government officials or by any individual, group or institution;

(*c*) Political rights, in particular the rights to participate in elections—to vote and to stand for election—on the basis of universal and equal suffrage, to take part in the Government as well as in the conduct of public affairs at any level and to have equal access to public service;

(*d*) Other civil rights, in particular:

(i) The right to freedom of movement and residence within the border of the State;

(ii) The right to leave any country, including one's own, and to return to one's country;

(iii) The right to nationality;

(iv) The right to marriage and choice of spouse;
(v) The right to own property alone as well as in association with others;
(vi) The right to inherit;
(vii) The right to freedom of thought, conscience and religion;
(viii) The right to freedom of opinion and expression;
(ix) The right to freedom of peaceful assembly and association;

(*e*) Economic, social and cultural rights, in particular:

(i) The rights to work, to free choice of employment, to just and favourable conditions of work, to protection against unemployment, to equal pay for equal work, to just and favourable remuneration;
(ii) The right to form and join trade unions;
(iii) The right to housing;
(iv) The right to public health, medical care, social security and social services;
(v) The right to education and training;
(vi) The right to equal participation in cultural activities;

(*f*) The right of access to any place or service intended for use by the general public, such as transport, hotels, restaurants, cafés, theatres and parks.

Article 6

States Parties shall assure to everyone within their jurisdiction effective protection and remedies, through the competent national tribunals and other State institutions, against any acts of racial discrimination which violate his human rights and fundamental freedoms contrary to this Convention, as well as the right to seek from such tribunals just and adequate reparation or satisfaction for any damage suffered as a result of such discrimination.

Article 7

States Parties undertake to adopt immediate and effective measures, particularly in the fields of teaching, education, culture and information, with a view to combating prejudices which lead to racial discrimination and to promoting understanding, tolerance and friendship among nations and racial or ethnical groups, as well as to propagating the purposes and principles of the Charter of the United Nations, the Universal Declaration of Human Rights, the United Nations Declaration on the Elimination of All Forms of Racial Discrimination, and this Convention.

PART II

Article 8

1. There shall be established a Committee on the Elimination of Racial Discrimination (hereinafter referred to as the Committee) consisting of eighteen experts of high moral standing and acknowledged impartiality elected by States Parties from among their nationals, who shall serve in their personal capacity, consideration being given to equitable geographical distribution and to the representation of the different forms of civilization as well as of the principal legal systems.

2. The members of the Committee shall be elected by secret ballot from a list of persons nominated by the States Parties. Each State Party may nominate one person from among its own nationals.

3. The initial election shall be held six months after the date of the entry into force of this Convention. At least three months before the date of each election the Secretary-General of the United Nations shall address a letter to the States Parties inviting them to submit their nominations within two months. The Secretary-General shall prepare a list in alphabetical order of all persons thus nominated, indicating the States Parties which have nominated them, and shall submit it to the States Parties.

4. Elections of the members of the Committee shall be held at a meeting of States Parties convened by the Secretary-General at United Nations Headquarters. At that meeting, for which two thirds of the States Parties shall constitute a quorum, the persons elected to the Committee shall be those nominees who obtain the largest number of votes and an absolute majority of the votes of the representatives of States Parties present and voting.

5. (*a*) The members of the Committee shall be elected for a term of four years. However, the terms of nine of the members elected at the first election shall expire at the end of two years; immediately after the first election the names of these nine members shall be chosen by lot by the Chairman of the Committee.

(*b*) For the filling of casual vacancies, the State Party whose expert has ceased to function as a member of the Committee shall appoint another expert from among its nationals, subject to the approval of the Committee.

6. States Parties shall be responsible for the expenses of the members of the Committee while they are in performance of Committee duties.

Article 9

1. States Parties undertake to submit to the Secretary-General of the United Nations, for consideration by the Committee, a report on the legislative, judicial, administrative or other measures which they have adopted and which give effect to the provisions of this Convention: (*a*) within one year after the entry into force of the Convention for the State concerned; and (*b*) thereafter every two years and whenever the Committee so requests. The Committee may request further information from the States Parties.

2. The Committee shall report annually, through the Secretary-General, to the General Assembly of the United Nations on its activities and may make suggestions and general recommendations based on the examination of the reports and information received from the States Parties. Such suggestions and general recommendations shall be reported to the General Assembly together with comments, if any, from States Parties.

Article 10

1. The Committee shall adopt its own rules of procedure.

2. The Committee shall elect its officers for a term of two years.

3. The secretariat of the Committee shall be provided by the Secretary-General of the United Nations.

4. The meetings of the Committee shall normally be held at United Nations Headquarters.

Article 11

1. If a State Party considers that another State Party is not giving effect to the provisions of this Convention, it may bring the matter to the attention of the Committee. The Committee shall then transmit the communication to the State Party concerned. Within three months, the receiving State shall submit to the Committee written explanations or statements clarifying the matter and the remedy, if any, that may have been taken by that State.

2. If the matter is not adjusted to the satisfaction of both parties, either by bilateral negotiations or by any other procedure open to them, within six months after the receipt by the receiving State of the initial communication, either State shall have the right to refer the matter again to the Committee by notifying the Committee and also the other State.

3. The Committee shall deal with a matter referred to it in accordance with paragraph 2 of this article after it has ascertained that all available domestic remedies have been invoked and exhausted in the case, in conformity with the generally recognized principles of international law. This shall not be the rule where the application of the remedies is unreasonably prolonged.

4. In any matter referred to it, the Committee may call upon the States Parties concerned to supply any other relevant information.

5. When any matter arising out of this article is being considered by the Committee, the States Parties concerned shall be entitled to send a representative to take part in the proceedings of the Committee, without voting rights, while the matter is under consideration.

Article 12

1. (*a*) After the Committee has obtained and collated all the information it deems necessary, the Chairman shall appoint an *ad hoc* Conciliation Commission (hereinafter referred to as the Com-

mission) comprising five persons who may or may not be members of the Committee. The members of the Commission shall be appointed with the unanimous consent of the parties to the dispute, and its good offices shall be made available to the States concerned with a view to an amicable solution of the matter on the basis of respect for this Convention.

(*b*) If the States Parties to the dispute fail to reach agreement within three months on all or part of the composition of the Commission, the members of the Commission not agreed upon by the States Parties to the dispute shall be elected by secret ballot by a two-thirds majority vote of the Committee from among its own members.

2. The members of the Commission shall serve in their personal capacity. They shall not be nationals of the States Parties to the dispute or of a State not Party to this Convention.

3. The Commission shall elect its own Chairman and adopt its own rules of procedure.

4. The meetings of the Commission shall normally be held at United Nations Headquarters or at any other convenient place as determined by the Commission.

5. The secretariat provided in accordance with article 10, paragraph 3, of this Convention shall also service the Commission whenever a dispute among States Parties brings the Commission into being.

6. The States Parties to the dispute shall share equally all the expenses of the members of the Commission in accordance with estimates to be provided by the Secretary-General of the United Nations.

7. The Secretary-General shall be empowered to pay the expenses of the members of the Commission, if necessary, before reimbursement by the States Parties to the dispute in accordance with paragraph 6 of this article.

8. The information obtained and collated by the Committee shall be made available to the Commission, and the Commission may call upon the States concerned to supply any other relevant information.

Article 13

1. When the Commission has fully considered the matter, it shall prepare and submit to the Chairman of the Committee a report embodying its findings on all questions of fact relevant to the issue between the parties and containing such recommendations as it may think proper for the amicable solution of the dispute.

2. The Chairman of the Committee shall communicate the report of the Commission to each of the States Parties to the dispute. These States shall, within three months, inform the Chairman of the Committee whether or not they accept the recommendations contained in the report of the Commission.

3. After the period provided for in paragraph 2 of this article, the Chairman of the Committee shall communicate the report of the Commission and the declarations of the States Parties concerned to the other States Parties to this Convention.

Article 14

1. A State Party may at any time declare that it recognizes the competence of the Committee to receive and consider communications from individuals or groups of individuals within its jurisdiction claiming to be victims of a violation by that State Party of any of the rights set forth in this Convention. No communication shall be received by the Committee if it concerns a State Party which has not made such a declaration.

2. Any State Party which makes a declaration as provided for in paragraph 1 of this article may establish or indicate a body within its national legal order which shall be competent to receive and consider petitions from individuals and groups of individuals within its jurisdiction who claim to be victims of a violation of any of the rights set forth in this Convention and who have exhausted other available local remedies.

3. A declaration made in accordance with paragraph 1 of this article and the name of any body established or indicated in accordance with paragraph 2 of this article shall be deposited by the State Party concerned with the Secretary-General of the United Nations, who shall transmit copies thereof to the other States Parties. A declaration may be withdrawn at any time by notification to the Secretary-General, but such a withdrawal shall not affect communications pending before the Committee.

4. A register of petitions shall be kept by the body established or indicated in accordance with paragraph 2 of this article, and certified copies of the register shall be filed annually through appropriate channels with the Secretary-General on the understanding that the contents shall not be publicly disclosed.

5. In the event of failure to obtain satisfaction from the body established or indicated in accordance with paragraph 2 of this article, the petitioner shall have the right to communicate the matter to the Committee within six months.

6. (*a*) The Committee shall confidentially bring any communication referred to it to the attention of the State Party alleged to be violating any provision of this Convention, but the identity of the individual or groups of individuals concerned shall not be revealed without his or their express consent. The Committee shall not receive anonymous communications.

(*b*) Within three months, the receiving State shall submit to the Committee written explanations or statements clarifying the matter and the remedy, if any, that may have been taken by that State.

7. (*a*) The Committee shall consider communications in the light of all information made available to it by the State Party concerned and by the petitioner. The Committee shall not consider any communication from a petitioner unless it has ascertained that the petitioner has exhausted all available domestic remedies. However, this shall not be the rule where the application of the remedies is unreasonably prolonged.

(*b*) The Committee shall forward its suggestions and recommendations, if any, to the State Party concerned and to the petitioner.

8. The Committee shall include in its annual report a summary of such communications and, where appropriate, a summary of the explanations and statements of the States Parties concerned and of its own suggestions and recommendations.

9. The Committee shall be competent to exercise the functions provided for in this article only when at least ten States Parties to this Convention are bound by declarations in accordance with paragraph 1 of this article.

Article 15

1. Pending the achievement of the objectives of the Declaration on the Granting of Independence to Colonial Countries and Peoples, contained in General Assembly resolution 1514 (XV) of 14 December 1960, the provisions of this Convention shall in no way limit the right of petition granted to these peoples by other international instruments or by the United Nations and its specialized agencies.

2. (*a*) The Committee established under article 8, paragraph 1, of this Convention shall receive copies of the petitions from, and submit expressions of opinion and recommendations on these petitions to, the bodies of the United Nations which deal with matters directly related to the principles and objectives of this Convention in their consideration of petitions from the inhabitants of Trust and Non-Self-Governing Territories and all other territories to which General Assembly resolution 1514 (XV) applies, relating to matters covered by this Convention which are before these bodies.

(*b*) The Committee shall receive from the competent bodies of the United Nations copies of the reports concerning the legislative, judicial, administrative or other measures directly related to the principles and objectives of this Convention applied by the administering Powers within the Territories mentioned in sub-paragraph (*a*) of this paragraph, and shall express opinions and make recommendations to these bodies.

3. The Committee shall include in its report to the General Assembly a summary of the petitions and reports it has received from United Nations bodies, and the expressions of opinion and recommendations of the Committee relating to the said petitions and reports.

4. The Committee shall request from the Secretary-General of the United Nations all information revelant to the objectives of this Convention and available to him regarding the Territories mentioned in paragraph 2 (*a*) of this article.

Article 16

The provisions of this Convention concerning the settlement of disputes or complaints shall be applied without prejudice to other procedures for settling disputes or complaints in the field of discrimination laid down in the constituent instruments of, or in conventions adopted by, the United Nations and its specialized agencies, and shall not prevent the States Parties from having recourse to other procedures for settling a dispute in accordance with general or special international agreements in force between them.

PART III

Article 17

1. This Convention is open for signature by any State Member of the United Nations or member of any of its specialized agencies, by any State Party to the Statute of the International Court of Justice, and by any other State which has been invited by the General Assembly of the United Nations to become a Party to this Convention.

2. This Convention is subject to ratification. Instruments of ratification shall be deposited with the Secretary-General of the United Nations.

Article 18

1. This Convention shall be open to accession by any State referred to in article 17, paragraph 1, of the Convention.

2. Accession shall be effected by the deposit of an instrument of accession with the Secretary-General of the United Nations.

Article 19

1. This Convention shall enter into force on the thirtieth day after the date of the deposit with the Secretary-General of the United Nations of the twenty-seventh instrument of ratification or instrument of accession.

2. For each State ratifying this Convention or acceding to it after the deposit of the twenty-seventh instrument of ratification or instrument of accession, the Convention shall enter into force on the thirtieth day after the date of the deposit of its own instrument of ratification or instrument of accession.

Article 20

1. The Secretary-General of the United Nations shall receive and circulate to all States which are or may become Parties to this Convention reservations made by States at the time of ratification or accession. Any State which objects to the reservation shall, within a period of ninety days from the date of the said communication, notify the Secretary-General that it does not accept it.

2. A reservation incompatible with the object and purpose of this Convention shall not be permitted, nor shall a reservation the effect of which would inhibit the operation of any of the bodies established by this Convention be allowed. A reservation shall be considered incompatible or inhibitive if at least two thirds of the States Parties to this Convention object to it.

3. Reservations may be withdrawn at any time by notification to this effect addressed to the Secretary-General. Such notification shall take effect on the date on which it is received.

Article 21

A State Party may denounce this Convention by written notification to the Secretary-General of the United Nations. Denunciation shall take effect one year after the date of receipt of the notification by the Secretary-General.

Article 22

Any dispute between two or more States Parties with respect to the interpretation or application of this Convention, which is not settled by negotiation or by the procedures expressly provided for in

this Convention, shall, at the request of any of the parties to the dispute, be referred to the International Court of Justice for decision, unless the disputants agree to another mode of settlement.

Article 23

1. A request for the revision of this Convention may be made at any time by any State Party by means of a notification in writing addressed to the Secretary-General of the United Nations.

2. The General Assembly of the United Nations shall decide upon the steps, if any, to be taken in respect of such a request.

Article 24

The Secretary-General of the United Nations shall inform all States referred to in article 17, paragraph 1, of this Convention of the following particulars:

(*a*) Signatures, ratifications and accessions under articles 17 and 18;

(*b*) The date of entry into force of this Convention under article 19;

(*c*) Communications and declarations received under articles 14, 20 and 23;

(*d*) Denunciations under article 21.

Article 25

1. This Convention, of which the Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited in the archives of the United Nations.

2. The Secretary-General of the United Nations shall transmit certified copies of this Convention to all States belonging to any of the categories mentioned in article 17, paragraph 1, of the Convention.

B

The General Assembly,

Recalling the Declaration on the Granting of Independence to Colonial Countries and Peoples contained in its resolution 1514 (XV) of 14 December 1960,

Bearing in mind its resolution 1654 (XVI) of 27 November 1961, which established the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples to examine the application of the Declaration and to carry out its provisions by all means at its disposal,

Bearing in mind also the provisions of article 15 of the International Convention on the Elimination of All Forms of Racial Discrimination contained in the annex to resolution A above,

Recalling that the General Assembly has established other bodies to receive and examine petitions from the peoples of colonial countries,

Convinced that close co-operation between the Committee on the Elimination of Racial Discrimination, established by the International Convention on the Elimination of All Forms of Racial Discrimination, and the bodies of the United Nations charged with receiving and examining petitions from the peoples of colonial countries will facilitate the achievement of the objectives of both the Convention and the Declaration on the Granting of Independence to Colonial Countries and Peoples,

Recognizing that the elimination of racial discrimination in all its forms is vital to the achievement of fundamental human rights and to the assurance of the dignity and worth of the human person, and thus constitutes a pre-emptory obligation under the Charter of the United Nations,

1. *Calls upon* the Secretary-General to make available to the Committee on the Elimination of Racial Discrimination, periodically or at its request, all information in his possession

relevant to article 15 of the International Convention on the Elimination of All Forms of Racial Discrimination;

2. *Requests* the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples, and all other bodies of the United Nations authorized to receive and examine petitions from the peoples of the colonial countries, to transmit to the Committee on the Elimination of Racial Discrimination, periodically or at its request, copies of petitions from those peoples relevant to the Convention, for the comments and recommendations of the said Committee;

3. *Requests* the bodies referred to in paragraph 2 above to include in their annual reports to the General Assembly a summary of the action taken by them under the terms of the present resolution.

1406th plenary meeting
21 December 1965

---

4. DRAFT RECOMMENDATION ON CONSENT TO MARRIAGE, MINIMUM AGE FOR MARRIAGE AND REGISTRATION OF MARRIAGES (AGENDA ITEM 59)

Resolution [2018 (XX)] adopted by the General Assembly

2018 (XX). Recommendation on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages

The General Assembly,

Recognizing that the family group should be strengthened because it is the basic unit of every society, and that men and women of full age have the right to marry and to found a family, that they are entitled to equal rights as to marriage and that marriage shall be entered into only with the free and full consent of the intending spouses, in accordance with the provisions of article 16 of the Universal Declaration of Human Rights,

Recalling its resolution 843 (IX) of 17 December 1954,

Recalling further article 2 of the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery of 1956,[4] which makes certain provisions concerning the age of marriage, consent to marriage and registration of marriages,

Recalling also that Article 13, paragraph 1 b, of the Charter of the United Nations provides that the General Assembly shall make recommendations for the purpose of assisting in the realization of human rights and fundamental freedoms for all without distinction as to race, sex, language or religion,

Recalling likewise that, under Article 64 of the Charter, the Economic and Social Council may make arrangements with the Members of the United Nations to obtain reports on the steps taken to give effect to its own recommendations and to recommendations on matters falling within its competence made by the General Assembly,

1. *Recommends* that, where not already provided by existing legislative or other measures, each Member State should take the necessary steps, in accordance with its constitutional processes and its traditional and religious practices, to adopt such legislative or other measures as may be appropriate to give effect to the following principles:

---

[4] United Nations publication, Sales No.: 57.XIV.2.

Principle I

(*a*) No marriage shall be legally entered into without the full and free consent of both parties, such consent to be expressed by them in person, after due publicity and in the presence of the authority competent to solemnize the marriage and of witnesses, as prescribed by law.

(*b*) Marriage by proxy shall be permitted only when the competent authorities are satisfied that each party has, before a competent authority and in such manner as may be prescribed by law, fully and freely expressed consent before witnesses and not withdrawn such consent.

Principle II

Member States shall take legislative action to specify a minimum age for marriage, which in any case shall not be less than fifteen years of age; no marriage shall be legally entered into by any person under this age, except where a competent authority has granted a dispensation as to age, for serious reasons, in the interest of the intending spouses.

Principle III

All marriages shall be registered in an appropriate official register by the competent authority.

2. *Recommends* that each Member State should bring the Recommendation on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages contained in the present resolution before the authorities competent to enact legislation or to take other action at the earliest practicable moment and, if possible, no later than eighteen months after the adoption of the Recommendation;

3. *Recommends* that Member States should inform the Secretary-General, as soon as possible after the action referred to in paragraph 2 above, of the measures taken under the present Recommendation to bring it before the competent authority or authorities, with particulars regarding the authority or authorities considered as competent;

4. *Recommends further* that Member States should report to the Secretary-General at the end of three years, and thereafter at intervals of five years, on their law and practice with regard to the matters dealt with in the present Recommendation, showing the extent to which effect has been given or is proposed to be given to the provisions of the Recommendation and such modifications as have been found or may be found necessary in adapting or applying it;

5. *Requests* the Secretary-General to prepare for the Commission on the Status of Women a document containing the reports received from Governments concerning methods of implementing the three basic principles of the present Recommendation;

6. *Invites* the Commission on the Status of Women to examine the reports received from Member States pursuant to the present Recommendation and to report thereon to the Economic and Social Council with such recommendations as it may deem fitting.

1366th plenary meeting
1 November 1965

---

5. REPORTS OF THE INTERNATIONAL LAW COMMISSION ON THE WORK OF ITS SIXTEENTH AND SEVENTEENTH SESSIONS (AGENDA ITEM 87)

(*a*) Report of the Sixth Committee[5]

[*Original text: Spanish*]
[*4 November 1965*]

INTRODUCTION

1. At its 1336th plenary meeting held on 24 September 1965, the General Assembly decided to include the item entitled "Reports of the International Law Commission on the work of its sixteenth and seventeenth sessions" in the agenda of its twentieth session, and to allocate the item to the Sixth Committee.

2. The Sixth Committee considered this agenda item from its 839th to its 853rd meetings, held from 29 September to 15 October 1965.

3. At the 839th meeting, the Chairman welcomed Mr. Milan Bartoš, Chairman of the International Law Commission at its seventeenth session, on behalf of the Sixth Committee and invited him to present the Commission's report on the work of that session (A/6009). At the 842nd and 851st meetings, held on 6 and 14 October, respectively, Mr. Bartoš replied to the questions asked and comments made by certain representatives during the debate.

4. At the 843rd meeting, the Chairman welcomed Mr. Roberto Ago, Chairman of the International Law Commission at its sixteenth session, on behalf of the Sixth Committee and invited him to present the Commission's report on the work of that session (A/5809). At the 851st meeting, held on 14 October, Mr. Ago replied to the comments made by certain representatives during the debate.

5. The report of the International Law Commission on the work of its sixteenth session consisted of five chapters, dealing respectively with the organization of the session, the law of treaties, special missions, the programme of work and organization of future sessions, and other decisions and conclusions of the Commission.

6. The report of the International Law Commission on the work of its seventeenth session also consisted of five chapters, dealing respectively with the organization of the session, the law of treaties, special missions (with an annex containing draft provisions concerning so-called high-level special missions, prepared by the Special Rapporteur), the programme of work and organization of further sessions, and other decisions and conclusions of the Commission.

PROPOSALS AND AMENDMENTS

7. Lebanon and Mexico submitted a draft resolution (A/C.6/L.559) under which, after noting with approval that the International Law Commission "has proposed to hold a four-week series of meetings in January 1966, and has asked to reserve the possibility of a two-week extension of its summer session in 1966, in order to enable it to complete its draft articles on the law of treaties and on special missions before the end of the term of office of its present members", the General Assembly would (1) take note of the reports of the International Law Commission on the work of its sixteenth and seventeenth sessions; (2) express appreciation to the Commission for the work it had accomplished; (3) recommend that the Commission should: (*a*) continue the work of codification and progressive development of the law of treaties and of special missions, taking into account the views expressed at the twentieth session of the General Assembly and the comments which might be submitted by Govern-

[5] Document A/6090, reproduced from *Official Records of the General Assembly, Twentieth Session, Annexes*, agenda item 87.

ments, with the object of presenting final drafts on those topics in the report on the work of its eighteenth session in 1966; (*b*) continue, when possible, its work on State responsibility, succession of States and Governments and relations between States and intergovernmental organizations, taking into account the views and considerations referred to in General Assembly resolution 1902 (XVIII) of 18 November 1963; and (4) requests the Secretary-General to forward to the International Law Commission the records of the discussions at the twentieth session on the reports of the Commission.

8. Ghana and Romania submitted an amendment (A/C.6/L.560) to the draft resolution (A/C.6/L.559), proposing that the following paragraphs should be added after the fifth paragraph of the preamble: "*Noting with appreciation* that the European Office of the United Nations organized, during the seventeenth session of the International Law Commission, a Seminar on International Law for advanced students and young government officials responsible in their respective countries for dealing with questions of international law," and "*Noting* that the Seminar was well organized and functioned to the satisfaction of all,"; and that the following new paragraph should be added after operative paragraph 3: "*Expresses the wish* that in conjunction with future sessions of the International Law Commission other seminars be organized which should ensure the participation of a reasonable number of nationals from the developing countries;". This amendment was accepted by the sponsors of the draft resolution.

9. Costa Rica submitted an amendment (A/C.6/L.561) to the draft resolution (A/C.6/L.559) proposing that the following new paragraph should be added at the end of the operative part: "5. *Requests* the Member States, non-governmental organizations and foundations which may be able to do so to grant fellowships to participants in the Seminars on International Law who come from developing countries." This amendment was withdrawn by the sponsor at the 852nd meeting.

10. Lastly, Tunisia submitted a further amendment (A/C.6/L.562) to the draft resolution (A/C.6/L.559) which would amend operative paragraph 4 of the draft resolution to read as follows: "4. *Requests* the Secretary-General: (*a*) to forward to the International Law Commission the records of the discussions at the twentieth session on the reports of the Commission; (*b*) to transmit to Governments at least one month before the opening of the twenty-first session of the General Assembly the final drafts prepared up to that time by the International Law Commission, and in particular the draft articles on the law of treaties." This amendment was accepted by the sponsors of the draft resolution.

11. The Secretary-General submitted a note (A/C.6/L.557) on the financial implications of the decisions contained in paragraphs 65 and 66 of the report of the International Law Commission on the work of its seventeenth session. At the 852nd meeting, the Secretary of the Committee drew the attention of the Committee to the financial implications of the draft resolution submitted by Lebanon and Mexico (A/C.6/L.559) and of the amendment submitted by Ghana and Romania (A/C.6/L.560) incorporated therein. With regard to the Tunisian amendment (A/C.6/L.562), which had also been accepted by the sponsors of the above-mentioned draft resolution, the Secretary of the Committee made a statement at the same meeting concerning the circulation of the reports of the International Law Commission.

Debate

12. The representatives who took part in the debate on this subject congratulated the International Law Commission on the work it had done at its sixteenth and seventeenth sessions, with regard to the progress made in the codification of the Law of Treaties and the rules concerning special missions. In the course of the discussions emphasis was placed on the urgent need for the codification and progressive development of international law in accordance with current interests of the international community. The importance of international law, its codification and progressive development was acknowledged by all as a

means of strengthening the rule of law in international life, peaceful coexistence and friendly relations among all States and of maintaining peace and security in accordance with the purposes and principles of the United Nations Charter.

13. Some representatives pointed out that a study of the reports of the International Law Commission by the Sixth Committee made it possible to associate the General Assembly with the codification and progressive development of international law and, at the same time, constituted an assurance that the work of the International Law Commission was directed towards the latest developments in the international community and took into account the aspirations of all States Members of the United Nations. In that connexion it was recalled that it was the States themselves that established international law. The role of the International Law Commission was to facilitate the task of those States by defining rules and drawing up and codifying drafts. Some representatives pointed out that the International Law Commission had in recent years, therefore, given up drafting codes or scientific documents and had instead submitted draft conventions to the States. Other representatives stressed the necessity for Governments to co-operate in the work of the International Law Commission by sending written comments on the drafts prepared by the latter. Knowledge of the opinions of Governments rendered the work of the International Law Commission easier since the absence of comments by a Government was open to different interpretations.

14. Referring to historic experiences in codifying national laws, some representatives warned the International Law Commission against the dangers of a codification based purely and simply on existing law and jurisprudence and advised it to take into account in its work the requirements of the progressive development of international law, so as to avoid adding to the advantages of the certainty surrounding codification, the disadvantages of the accompanying rigidity, since the latter could in a very short time render the codified rules inappropriate for the social environment to which they were directed.

15. Other representatives stressed that international law should be a dynamic force serving the interests of an international community in perpetual evolution. Recalling the profound political, economical and social transformation undergone by the international community in recent years, the achievement of independence by a great many countries that had been subjected to a colonial régime and the progress of science and technology, some representatives declared that international law could not be an instrument to defend the interests of the powerful but should give equal protection to all States, great and small, old and new, developed and developing. Only a truly universal international law, based on justice and equity and respecting the sovereign equality of States would have sufficient authority to be recognized and appealed to by all States.

16. Some representatives, while acknowledging the importance of the codification of international law, pointed out that codified rules should not be too detailed if they were to have any practical value. Codified law should be simple and flexible, otherwise it would impede the establishment of new practices, while doing little or nothing to facilitate the establishment of harmonious international relations. According to those representatives, any intention of settling controversial matters by means of codification would have the opposite effect since codification could not by itself eliminate the causes of the controversies. Other representatives were opposed to attempting to codify only those items or residuary rules on which general agreement had been reached. According to the latter representatives, such an attitude would not meet the present needs of the codification of international law. If the work of the International Law Commission were to be really useful, the Commission should also study controversial matters and submit solutions to the States. One representative called attention to the advisability of attempting to standardize the terminology used in international law.

17. Some representatives stressed the importance of customary international law in the life of the international community. As one representative had indicated, the need for cus-

tomary law would not disappear even when international law had been completely codified and nothing was left but to interpret treaties and conventions. Codified international law would necessarily include references to customary law and, at times, those called upon to apply codified law would have to decide if codified or customary rules would apply to a given situation. The application of one or other of the rules would depend ultimately on the opinion concerning customary law held by those applying codified law.

18. Some representatives made certain reservations regarding the supremacy of peremptory norms of international law (*jus cogens*) over other rules of law. The lack of criteria for determining with certainty whether a rule of international law was a part of *jus cogens* would, according to those representatives, make it difficult to apply that principle. In the opinion of those representatives, the only principles that could be considered pre-eminent were those embodied in the United Nations Charter and even in that case they derived their authority from conventional law.

19. Lastly, one representative suggested that the Sixth Committee, in order to ensure that the codification of international law should not become a work without practical value owing to an insufficient number of ratifications or accessions, should examine as soon as possible the manner in which the General Assembly, while respecting the sovereign independence of the States, could take effective steps to obtain the fullest possible participation in the conventions on codification concluded under the auspices of the United Nations, by providing, for example, a procedure similar to that prescribed in article 19 of the Constitution of the International Labour Organisation.

I. Law of treaties

20. The representatives who spoke in the debate expressed their satisfaction at the considerable progress achieved in the codification of the law of treaties, which already made it possible to form an idea of the future codification of that important chapter of international law. They congratulated the International Law Commission and the Special Rapporteur concerned on the high quality, usefulness and value of the work that had been completed and on the proposal to complete the codification of the law of treaties in the course of the following year.

21. Many representatives stressed the importance of the progressive development and codification of such a fundamental part of international law as the law of treaties, for strengthening and guaranteeing international legal transactions, peaceful coexistence, co-operation between States with different economic, political and social systems and the peaceful settlement of international disputes, and for strengthening international peace and security which was the supreme purpose of the Charter of the United Nations.

22. Some representatives stressed the fact that the International Law Commission in carrying out a codification of the law of treaties had borne in mind, in a general way, the profound changes which had occurred in contemporary international law and had consequently contributed to the progressive development of the law of treaties in conformity with the interests and aspirations of the international community. Other representatives considered that the International Law Commission would still have to delete from the draft some excessively traditionalist elements and, taking the idea of justice as a foundation, endeavour to formulate the final draft articles with an eye to the future.

23. A number of representatives who spoke emphasized the need for the progressive development and codification of the law of treaties to be fundamentally based on and inspired by the major principles of contemporary international law. It was pointed out that if the codification of the law of treaties was to have the meaning, impact and usefulness which the urgent needs of contemporary international life demanded and not become a purely academic work without any practical value, the law of treaties would have to come under the authority of contemporary international law and conform to the principles set forth in the Charter of

the United Nations. Some representatives stated that the final position of their Governments on the draft articles prepared by the International Law Commission would depend on the extent to which the Commission took those fundamental principles into account.

24. The fundamental principles mentioned by those representatives can be summed up as follows: (*a*) the universality of the law of treaties; (*b*) the strict observance of freely contracted contractual obligations; (*c*) the sovereign equality of States; (*d*) the right of people to self-determination; (*e*) good faith in the conclusion and application of treaties; (*f*) prohibition of the use or the threat of force as a means of solving international disputes; (*g*) a true freedom to undertake obligations and not purely formal legal consent; and (*h*) the promotion of peaceful coexistence.

25. A number of representatives stated that the draft articles on the law of treaties could not acknowledge unjust, unfair or unequal treaties, the consequences in many cases of the colonial system. Those representatives considered that instruments which were imposed without the consent of the populations concerned or without taking their interests into account; instruments which were the price of accession to independence, instruments taking advantage of the situation of the developing countries, instruments entered into under direct, indirect or economic coercion; instruments which ignored the sovereign equality of States and instruments which were discriminatory as well as other instruments in which the consent of one of the parties was, in one form or another, vitiated by the conditions under which they had been concluded, were by their very nature illegal, could not be protected by the law of treaties and should be eliminated from international relations. Some representatives added that those instruments which were formally called treaties weakened the confidence of States in international law and were an obstacle to more frequent recourse to the jurisdiction of the International Court of Justice.

26. Some other representatives said that the law of treaties should be based on the free will of the parties and should ensure that the confidence that should prevail in relations between States was not weakened. While stressing the need for observance of the treaties concluded, some of those representatives expressed the fear that the draft articles drawn up by the International Law Commission did not provide sufficient protection against the likelihood of unilateral or arbitrary action by parties which might wish to avoid observing the obligations they had undertaken. While regretting that the draft articles did not provide for an independent and objective body to settle disputes which might occur in that connexion, the representatives in question considered that in order to amend or terminate conventional obligations undertaken it was necessary to bear in mind the provisions of the treaty or the opinion of all the parties to the treaty. One representative pointed out that the International Law Commission should consider the possibility of including in the draft articles a provision concerning the compulsory jurisdiction of the International Court of Justice.

27. The majority of representatives who spoke approved the decision of the International Law Commission to codify the law of treaties in the form of a single draft convention. It was pointed out that the preparation of a convention would enable new States to participate directly in the formulation of the law of treaties which would thus be based on wider and more secure foundations. It was also added that conventions, as the main source of contemporary international law, were more effective for the codification and progressive development of that law than simple expository codes. In fact, recourse to the form of a convention would be the only appropriate method if it was wished to give the contents of the codification of the law of treaties the value of norms which would be legally binding on all States. With regard to the question of whether the draft articles on the law of treaties should be formulated as a single draft convention or as a series of related conventions, the majority of representatives raising that question opted for a single draft convention since they considered that the law of treaties had an organic unity which should be respected. Some, however, said that if it were only possible to adopt and to bring into force a convention on a part of

the draft articles prepared by the International Law Commission, that would already represent a valuable result.

28. One representative stated that for reasons of substance and not of form it was difficult to decide whether the codification of the law of treaties should contain solely a statement of obligations or also the constitution and declaratory rules of law. Three representatives continued to express their preference for the form of a code adopted by the General Assembly in a declaration, resolution or recommendation. They considered that the conclusion of a treaty on the law of treaties would hardly be sufficient. A code would have the advantage of including a certain amount of declaratory and explanatory provisions which would have no place in a convention which, by its very nature, would tend to be limited to the strict enunciation of obligations. One representative emphasized that when the International Law Commission had moved from the idea of a code to the idea of a convention, it had been forced to revise and delete provisions contained in the original draft articles. Another of the above-mentioned representatives declared that a treaty on the law of treaties would establish a dual system: a conventional law of treaties and a customary law of treaties, and would add to the doubts about the interpretation of any treaty, further doubts about the interpretation of the treaty on the law of treaties. While one of those representatives stated that he reserved his position on the matter, another said that he would not oppose the adoption of a multilateral convention if that was the wish of the General Assembly. The same representative pointed out that a third solution might have been adopted by incorporating the code on the law of treaties in a multilateral convention or annexing it to that convention with the same binding force as the convention. Some other representatives pointed out that perhaps the term "code" had caused a misunderstanding and that the question really was what was to be done with the draft articles on the law of treaties: whether they were to be simply a model or a guide or whether they were to be a body of compulsory norms for all States. If the latter was to be the function of the draft articles on the law of treaties, it would not be of great importance whether the instrument codifying them was called a convention, a code or a declaration.

29. With regard to the formulation of the provisions to be included in the draft articles on the law of treaties, some representatives favoured brevity and simplicity while others stated that the elimination of descriptive elements should not result in excessive generalization. Many representatives considered that the provisions of the draft articles should be drafted with clarity and precision in order to avoid disputes and should link ideal solutions to the needs and realities of international life. It was also pointed out by some representatives that the draft articles should eliminate all reference to practices of a transitory nature. One representative said that the draft articles should deal with the continuing applicability of treaties in the event of one of the parties changing without the consent of the other, while another representative considered that the International Law Commission had been correct in not including provisions on the succession of States or the responsibility of States in the draft articles on the law of treaties.

30. Finally, some representatives considered that customary law would continue to retain its value even after the codification of the law of treaties, since the draft articles themselves mentioned customary law in their provisions which would mean, on more than one occasion, that those who had to apply them would have to rule on the applicability of customary law.

(a) *Part III (articles 55-73) of the draft articles on the law of treaties: application, effects, modification and interpretation of treaties* (A/5809, chap. II)

31. As the draft articles on the application, effects, modification and interpretation of treaties had been submitted to Governments for their observations, most of those who took part in the debate said that they would limit themselves to considerations of a preliminary character concerning part III of the draft articles or would refer to the observations already made by their Governments. Some representatives said that their Governments would send the written comments requested at an early date.

32. Among those who made preliminary observations during the debate, some limited themselves to commenting only on certain provisions, while others analysed the whole draft or the greater part of its provisions. Further, due to the close connexion between all the parts of the draft articles on the law of treaties, some representatives, when commenting on part III, referred, alluded to, or even analysed in detail, provisions contained in other parts of the draft, especially in part II (articles 30-54) [6] concerning the invalidity and termination of treaties. Many representatives expressly reserved their Governments' definitive position until all the opinions expressed by other Governments were known, until the International Law Commission had examined the opinions expressed and until they had studied the general arrangement of the final draft articles when completed.

33. Representatives who made statements considered that the draft articles on the application, effect, modification and interpretation of treaties were generally acceptable, although there were a few differences of opinion concerning terminology, formulation, relevance, usefulness, necessity, meaning and gaps in the concrete provisions figuring in them. Some representatives indicated that the draft articles reflected correctly, in their general lines, the practice of States and that the combination of elements of codification and of progressive development of the law of treaties was well balanced.

34. Some representatives considered that the provisions contained in part III of the draft articles needed to be brought into harmony with the contents of the other parts of the draft articles. Others indicated occasional examples of lack of precision or inconsistency in the use of certain terms or expressions. Thus, for example, the expression "rule of customary law" appeared in article 68, paragraph (*c*), while article 69, paragraph 1 (*b*), spoke of "rules of general international law". The English version of the text used the word "modifying" in articles 67 and 68 and "amending" in articles 65 and 66. One representative suggested that in article 69 "term" should be replaced by "word" and another that the use of the word "texts" in article 73 should be avoided. It was also indicated that the English version of article 68, sub-paragraph (*c*) should be brought into line with the French version of the same sub-section. Finally one representative pointed out that while in part I (articles 0-29*bis*) of the draft articles there was a definition of "good faith" in article 17 (A/6009, chap. III), in part III, articles 55 and 69 mentioned "good faith" without defining it. As it was a question of a fundamental principle of the law of treaties, in this representative's opinion the same attention should be given to "good faith" in each part of the draft articles.

35. The rule *pacta sunt servanda*, according to which treaties were binding upon the parties to them and must be performed by them in good faith, was considered by those representatives who commented on it to be a firmly established and generally recognized basic and fundamental principle of international law. Underlining the capital importance of the principle for the stability of international juridical relations, some representatives stated that without respect for it neither the provisions of the Charter nor the development of friendly relations between States could be achieved. One representative recalled that according to some authors *pacta sunt servanda* was the fundamental rule which summed up international law. The observations made on the rule *pacta sunt servanda* in the course of the debate concerned more often the suitability of its inclusion in the draft articles on the law of treaties, its formulation if it were included and its purport and scope in the general arrangement of the draft articles.

36. Many representatives declared themselves in favour of including the rule *pacta sunt servanda* in the draft articles on the law of treaties. In their opinion, although the provision containing it in the draft articles did no more than recognize an evident principle of international law, its inclusion was suitable and appropriate as it was the corner-stone of the law of treaties without which all the other rules would be of little or no value. Some representatives added that it was necessary to restate that treaties in force should be scrupulously

[6] See *Official Records of the General Assembly, Eighteenth Session, Supplement No. 9*, chap. II.

and strictly observed in a spirit of goodwill by all parties and that their violation should be firmly condemned if it was desired to consolidate and develop peaceful and friendly co-operation between States. Others, on the other hand, feared that there were risks in putting into writing a flexible rule like *pacta sunt servanda* in a text that was to be converted into international treaty law.

37. The formulation of the rule *pacta sunt servanda* in article 55 of the draft articles was the object of certain comments and criticism. Some representatives declared that perhaps the International Law Commission might complete the rule thus formulated by declaring explicitly the obligation of States to abstain from any act which might compromise or invalidate the objects and purposes of the treaty. For one representative a clause purely and simply recognizing that obligation would be preferable to the present formulation of the article. Other representatives criticized the fact that the rule formulated in the draft articles was limited to treaties "in force", since that might introduce an element of controversy, and they suggested the elimination of those words. This opinion was not shared by the other representatives who thought that the International Law Commission was fully justified in having specified that the rule applied to treaties "in force". One representative declared that the present formula was axiomatic and obvious and that it should be redrafted in the following manner:

> "A treaty is binding upon the parties to it, which must fulfil their obligations and exercise their rights under it in good faith."

38. Concerning the significance and scope of the rule *pacta sunt servanda* in the general layout of the draft articles on the law of treaties, two trends of opinion were revealed among those representatives who referred to it in their statements. For some the rule *pacta sunt servanda* as formulated in the draft articles must be interpreted in relation to the other provisions of the draft, particularly those concerning the invalidity and termination of treaties (part II) and in the light of the provisions of the United Nations Charter and the dictates of justice. It was recalled that in Article 103 of the Charter it was stated that in the event of a conflict, obligations incurred under the Charter should prevail and that Article 2, paragraph 2 provided that States Members should fulfil in good faith the obligations assumed by them in accordance with the Charter. For those representatives the rule *pacta sunt servanda* could not protect a treaty which was suffering from a defect which invalidated it, which violated the principles of the Charter or was contrary to an imperative norm of contemporary international law. Thus, for example, treaties imposed by force, obtained by trickery or fraud, which were entered into when one of the parties was not in a position to decide freely, which violated peremptory norms of a general character, which could not be carried out because of a fundamental change of circumstances, and unjust treaties could not be protected by the rule *pacta sunt servanda* unless it was desired to sanctify injustice in international relations. In the opinion of those representatives the inclusion in the draft articles of rules on the nullity or termination of treaties, such as those relating to defects of consent, *jus cogens*, the doctrine of *rebus sic stantibus*, the termination of treaties in due and proper form, did not mean the destruction of the rule *pacta sunt servanda*, but rather would lead to a real strengthening and clearer interpretation of it.

39. Other representatives held that a treaty which made no provision for its termination or denunciation could not be terminated unilaterally by one of the parties and would remain in force until all the parties decided otherwise. While acknowledging that that could be inferred from the rule *pacta sunt servanda* (article 55) in relation to some of the provisions of part II of the draft (articles 31, 38, 39 and 40), one representative thought it advisable to include a provision to that effect, particularly in view of the number and presentation of the provisions on the invalidity and termination of treaties (part II). Referring to the peace treaties concluded prior to the adoption of the United Nations Charter, he expressed the view that the draft should explicitly reaffirm that the causes of nullity defined in it would not have

retroactive effect. He also observed that certain provisions relating to the invalidity and termination of treaties (articles 31-37, 42 and 44) were incomplete and that it was essential to define objectively the circumstances giving rise to the nullity or premature termination of treaties, to fix time-limits for alleging such nullity or premature termination, and to provide that, even in cases of absolute nullity, the alleged cause must be defined by an arbitral tribunal or court of law. Another representative asserted that the principle *rebus sic stantibus* could be applied only by agreement among the parties or by an impartial judicial or arbitral body.

40. Some representatives, referring to the provision governing the application of a treaty in point of time (article 56), expressed agreement with paragraph 1, which held it to be a rule of *jus dispositivum* that the parties could depart from the principle of the non-retroactivity of treaties if they wished. Two different views were expressed with regard to paragraph 2 of the article. One representative thought that the paragraph should be reworded to take account of the acquired rights arising from the application of a treaty, which could be accomplished partly by replacing the words "unless the treaty otherwise provides" by the words "unless the contrary appears from the treaty". Another representative thought it advisable to delete the phrase "unless the treaty otherwise provides", since there could be no exception to the rule stated in paragraph 2. The same representative felt that the International Law Commission should include in the text of that article a provision which, reflecting paragraph (4) of the commentary on the article, regulated the question of facts or acts which occurred or arose "in part" while the treaty was in force. Finally, another representative stated that he found the entire article satisfactory as it stood.

41. The provision in the draft relating to the territorial scope of a treaty (article 57) met with the approval of some representatives and criticism from others. One of those expressing criticism felt that the provision had the effect of creating a refutable legal presumption and, moreover, was neither useful nor necessary. Other representatives observed that the article did not take account of the possibility that the provisions of a treaty might be intended to apply outside the territory of the parties, and they urged that it should be revised so as to cover treaties the scope of which went beyond the territory of the parties. One representative said that, if that change was not made, it would be preferable to delete the article. Another representative, however, said that he would have preferred to see article 57 limit the application of a treaty explicitly to the metropolitan territory of the parties, since otherwise it could perpetuate a situation like that created in Africa by the General Act of the Conference of Berlin concerning the Congo, held in 1885, which placed the African continent under occupation by States situated in another continent. An exception could be made where a people which was not yet independent agreed, through a valid expression of opinion, to accept the treaty and its effects. If that was not done, such peoples would have no alternative, once they regained their sovereignty, but to denounce treaties in the conclusion of which they had had no part—treaties which often ran counter to their interests.

42. None of the representatives questioned the general rule limiting the effects of treaties to the parties (article 58). Some, however, said they favoured the inclusion in the general rule of a provision stating the absolute nullity of any obligation imposed on a third State by a treaty without its consent. They held that there must be no provision under international law for a treaty which sought to decide a people's future without its consent, even if the country in question was under colonial rule. Some representatives considered, in connexion with that provision, that it was essential for the draft articles to contain a precise definition of the term "contracting parties".

43. Some representatives expressed gratification that, in drafting the provisions relating to the *pacta tertiis* rule, the International Law Commission had been guided by the principle of the sovereign equality of States, so that no sanction was given to a situation of the kind created by colonialism. A number of representatives gave their express approval to the conditions specified in those provisions (articles 59, 60 and 61) so that a treaty could give rise

to rights or obligations for third States, i.e. (*a*) the parties to the treaty must intend to provide for rights or obligations for third States and (*b*) the third State in question must agree to acquire such rights or assume such obligations. Some representatives, however, felt that those provisions, as they stood, still contained some danger to third States in that they could be invoked in an attempt to impose obligations on those States; the provisions should therefore be made clearer. One representative, on the other hand, found the wording of articles 60 and 61 unsatisfactory on the ground that two or more States could, effectively and directly, create rights for a third State by means of a treaty if that was their intention and that the rights thus created could be abolished at some future time.

44. One representative felt that articles 59 (obligations for third States) and 60 (rights for third States) should provide that the question of when the third State was to indicate its assent should be decided in accordance with the circumstances of each particular case. Another took the view that articles 59 and 60 could have been worded in a more similar manner and combined in a separate paragraph of the general rule contained in article 58. He questioned the necessity of including those provisions in a draft convention on the law of treaties, since, if it was required as a condition for the establishment of rights and obligations for third States that those States should assent thereto, the agreement—collateral or otherwise—concluded between the original parties to the treaty and the third party would constitute an actual treaty. He added that, if those provisions of the draft were deleted, the rule stated in article 61 (revocation or amendment of provisions regarding obligations or rights of third States) would be rendered superfluous. Another representative thought that article 61 should be given further study, since it could have the effect of discouraging the inclusion in treaties of provisions which conferred benefits on a third State.

45. Some representatives referred to the difficulties or dangers inherent in the provision relating to "rules in a treaty becoming generally binding through international custom" (article 62). One representative considered that in order to avoid any misunderstanding the text of the article should include the idea expressed in paragraph (2) of the commentary on the article, that those rules were binding on third States only if those States recognized them as rules of customary law. Another representative considered that the article was unnecessary and that it did not settle the situation created when a number of States denounced a treaty concluded among them which, having been freely accepted by other States, had become a customary rule for the latter States. One representative considered it debatable whether the provision of article 62 should be included in a convention on the law of treaties, even though he recognized its usefulness in avoiding any conflict between draft articles 59, 60 and 61 and customary rules of international law originating from treaties. Another representative drew attention to the fact that, since regional international custom did not seem to be excluded from the phrase "customary rules" used in article 62, the rules laid down in a regional treaty might come to be tacitly binding on all the States in the region, whereas under article 59 the obligations arising from treaties could not bind third States unless they expressly agreed to be so bound. The decision to apply a particular rule would ultimately depend, according to that representative, on what customary law was taken to mean. Lastly, another representative maintained that there was nothing in the draft articles to preclude rules set forth in a treaty from being binding upon States not parties to that treaty if in the future those rules became generally accepted and recognized as customary rules of international law.

46. The rules relating to the application of treaties having incompatible provisions (article 63) were considered adequate and useful by the representatives who referred to them during the debate. One representative expressed his agreement with the International Law Commission's express recognition, in the text of the article, of the overriding character of obligations under the United Nations Charter, as laid down in Article 103 of the Charter. Another representative emphasized the close relationship between article 63 and the provisions of articles 58 to 60 (legal effects of treaties on third parties) and 65 to 68 (modification of treaties), and the need to avoid any duplication between article 63 and article 41 (termination

implied from entering into a subsequent treaty). Some representatives, referring to the test for incompatibility prescribed by the rules laid down in article 63, considered that that test, as in part I, article 18, lent itself to subjective interpretation and ought therefore to be made more objective, or that provision should be made for an independent settlement of the disputes to which it might give rise. Lastly, another representative said that article 63 showed the need for precise drafting of the provisions of multilateral treaties superseding or terminating previous treaties, and emphasized that paragraph 5 of the draft article was particularly important.

47. Some representatives expressed the opinion that, in codifying the law of treaties, the International Law Commission should have borne in mind the current development of contemporary international law and practice which recognized and regulated the rights and obligations of individuals, particularly with regard to human rights. Some representatives regretted that the International Law Commission had not retained in its draft articles a minimal provision such as that of article 66 (application of treaties to individuals) in the third report of Sir Humphrey Waldock, the Special Rapporteur for the subject (A/CN.4/167). One representative noted that some international instruments had laid down the principle of the most-favoured-nation clause in order not to restrict the rights accorded to individuals under other treaties. That principle of the most-favoured-nation clause would be closely related, in that representative's opinion, to the provision of draft article 63, paragraph 3, as well as to the principle of "acquired rights".

48. Regarding the effect of severance of diplomatic relations on the application of treaties (article 64), some representatives took the view that paragraphs 2 and 3, concerning the "disappearance of the means necessary for the application of the treaty" should be deleted or re-examined by the International Law Commission. According to those representatives, those provisions, in their present form, would give the impression that by severing diplomatic relations, or creating a situation which made it difficult or impossible to fulfil contractual obligations, States might evade the obligations arising from treaties. Some representatives said that it would be better for the International Law Commission to consider the question from a more general point of view rather than in relation to the article on the effect of severance of diplomatic relations. One representative pointed out that there were in reality very few treaties for which the disappearance of the means necessary for their application could provide a ground for suspending their operation and that, in every case where a protecting Power had been appointed, the idea of impossibility of performance by reason of the absence of diplomatic relations was inapplicable. Another representative said that it was necessary to avoid subjective interpretations and that, furthermore, the situation was adequately covered by articles 43 (supervening impossibility of performance) and 54 (legal consequences of the suspension of the operation of a treaty). Lastly, another representative noted that the severability of the provisions of treaties referred to in paragraph 3 of article 64, in paragraph 2 of article 45 (emergence of a new peremptory norm of general international law) and in article 46 (severability of treaty provisions for the purpose of the operation of the present articles) might create difficulties, since in practice most of the provisions of treaties were so interrelated that few of them were severable for purposes of application, from the rest of the treaty.

49. With regard to the provisions of the draft articles concerning the modification of treaties (articles 65 to 68), some representatives stressed that the basic principle to be observed was that laid down in the first sentence of article 65: namely, that the amendment of a treaty was a matter for agreement between the parties. Certain representatives thought that all reference to "the established rules of an international organization" should be deleted from article 65 and from article 66, paragraphs 1 and 2, as making an incompatible, or unacceptable, exception to the above-mentioned basic principle. One representative considered that article 65 was redundant, since an agreement which amended a treaty constituted another treaty. In that representative's view, the best course would be to include a provision to the

effect that consideration should be given to any proposal for the amendment of a treaty. Other representatives stressed the appropriateness of including in the draft articles the provisions relating to "Agreements to modify multilateral treaties between certain of the parties only" (article 67). According to those representatives, the provisions in question offered a useful procedure for parties contemplating the conclusion of a special agreement, and at the same time would enable the States affected to safeguard the rights centred on them by an existing treaty.

50. A number of representatives also commented on the provision concerning modification of a treaty by a subsequent treaty, by subsequent practice or by customary law (article 68). While some approved the clause relating to modification by a subsequent treaty (sub-paragraph (*a*)), others regarded it as an unnecessary repetition of the provision made in article 65. Modification by the subsequent emergence of a new rule of customary law (sub-paragraph (*c*)) was regarded by some representatives as an important and well-established rule, which would ensure that the changes which were gradually being introduced into general international law by the development of ideas could be reflected in treaties. Other representatives thought, on the contrary, that the sub-paragraph should be deleted, on the ground that it related to international law in general rather than to the law of treaties. Reference was also made to the difficulty of deciding objectively whether a customary rule was or was not compatible with treaty provisions. One of the representatives in favour of deleting the sub-paragraph held that, while in theory a custom could modify a treaty, in practice it was nothing more than an oral modification of the treaty. Lastly, other representatives drew attention to the connexion between that provision and the provision contained in draft article 45 concerning the emergence of a new peremptory norm of international law (*jus cogens*). With regard to the modification of a treaty by subsequent practice of the parties (article 68, sub-paragraph (*b*)), one representative pointed out that a contractual obligation could be modified only with the genuine consent of the parties, and that subsequent practice was not always the outcome of such consent. The same representative thought that it would be dangerous in international law to resort to assumptions, which were characteristic of specific legal systems, in order to determine the existence, nature, scope and degree of consent of the parties; he recalled that in the Temple of Preah Vihear case[7] the International Court of Justice, in explaining its decision, had found that the question at issue was the interpretation of a treaty, and had not mentioned modification of the treaty. Other representatives were in favour of including sub-paragraph (*b*) in the draft articles. One of them stated that the sub-paragraph would, in reality, be equivalent to an oral modification of the treaty. Some representatives pointed to the difficulty of distinguishing between subsequent practice as modifying an original agreement and subsequent practice as interpreting that agreement; they said that the International Law Commission should revise sub-paragraph (*b*) of article 68 in conjunction with paragraph 3 (*b*) of article 69, in order to eliminate certain discrepancies between the two provisions.

51. Most representatives who referred to the provisions concerning interpretation of treaties (articles 69 to 73) thought that they represented a reasonable compromise and in general reflected existing international law and practice. Attention was also drawn to the value of codifying the rules of interpretation, which would obviate disputes between States regarding the application of treaties. Some representatives said that the International Law Commission had been wise to adopt the text of the treaty as the essential basis for interpretation. Others felt that it was difficult to accept priorities as between the different means of interpreting treaties, and that the only basic rule should be to try to discover—by all possible means and in all possible forms—what the intention of the parties was. Lastly, other representatives maintained that the order in which the rules of interpretation were given in the draft articles had no bearing on the importance of the factors mentioned in

[7] See *Case concerning the Temple of Preah Vihear (Cambodia* v. *Thailand), Merits, Judgment of 15 June 1962 : I.C.J. Reports, 1962.*

those rules. The importance of each factor would depend solely on its substantive effect and on its influence on the true significance of the treaty.

52. While some representatives believed that the principle of useful effect was adequately expressed in the draft articles on interpretation, others considered that the text should contain an explicit reference to that principle or maxim. One representative thought that "subsequent practice" (article 69, para. 3 (*b*)) should be used only as an aid in interpreting ambiguous provisions, and not to distort the natural connotation of words or to extend the scope of the original terms of the treaty. Another representative observed that terms or words did not always have an "ordinary meaning" and that, furthermore, article 69, paragraph 1 (*b*) seemed to preclude any evolutionary interpretation. Another representative agreed with the provision that a treaty should be interpreted "in the light of the rules of general international law in force at the time of its conclusion". One representative explicitly approved the view adopted by the majority of the International Law Commission's members concerning the application to treaties of "inter-temporal" law (paragraph (11) of the commentary on article 69). Some representatives doubted whether it was appropriate or useful to refer in article 72, paragraph 2 (*b*) to "the established rules of an international organization", and recommended that the reference should be deleted. Lastly, one representative considered that, in view of the revision of part I of the draft articles, some of the rules of interpretation should be deleted from the final text.

(b) *Part I* (articles 0-29 *bis*) *of the draft articles on the law of treaties: Conclusion, entry into force and registration of treaties* (A/6009, chap. II)

53. Although some representatives refrained from commenting on this part of the report and drew attention to the written observations submitted by their Governments, others made preliminary observations on the revision carried out by the International Law Commission at its seventeenth session. Some representatives expressed satisfaction at the improvements which the revision had made on the original text by simplifying some provisions and eliminating others which were not essential. Other representatives indicated that the revised articles were open to further improvement.

54. The limitation of the draft articles to treaties concluded between States came in for criticism from some representatives, who expressed the view that the text should cover treaties arrived at between other subjects of international law, especially those concluded between intergovernmental organizations or between intergovernmental organizations and States. That would make it unnecessary for the future convention on the law of treaties to be supplemented later on by the conclusion of further conventions or protocols. Consequently some of those representatives found the definition of a "Treaty" (article 1, para. 1 (*a*)) unsatisfactory. Other representatives, however, approved the limitation of the text to treaties concluded between States and the postponement to a later stage of the codification of rules relating to the conclusion of treaties by intergovernmental organizations.

55. Some representatives, while aware that the International Law Commission had reserved its position on the terminology to be used in the final draft text, drew attention to certain terminological inconsistencies and cases of vague language. Mention was made, in particular, of the provision concerning a "Party" (article 1, para. 1 (*f*) (*bis*)) in relation to article 17, sub-paragraph (*b*), and of the use, in part I of the draft articles, of the expressions "enter into force" and "enter into operation". It was also pointed out that a precise definition of a "Contracting State" was needed. While one representative welcomed the fact that the International Law Commission had not distinguished between "formal treaties" and "treaties in simplified form", another representative expressed regret that the reference to "treaties in simplified form" had been taken out of the text. Lastly, one representative took the view that the inclusion of the phrase "It appears from the circumstances" (article 4, para. 1 (*b*); article 11, paras. 1 (*b*) and 2 (*a*); article 12, para. 1 (*b*)) should be reconsidered because it might lead to disagreement and dispute.

56. With reference to the capacity of States members of a federal union to conclude treaties (article 3, para. 2), one representative considered that the International Law Commission should make it clear in the commentary on the article whether the relevant provision of the federal constitution would be decisive or whether the treaty would be invalidated only by flagrant breaches of the provisions of the federal constitution.

57. A number of representatives referred in their statements to the International Law Commission's decision to adjourn the examination of the provisions of the draft articles relating to participation in a treaty (articles 8 and 9) and to the use of the term "general multilateral treaty" (article 1, para. 1 (*c*)). Some representatives expressed the hope that the International Law Commission might find in the written comments submitted by their respective Governments a solution to the problems involved in drafting those provisions, having regard to the criticism expressed on the first version prepared by the Commission. One representative welcomed the fact that the International Law Commission had postponed its final decision on the provisions in question, and asserted that the principle of universality was contrary to the very nature of treaties, which must be the outcome of the establishment of a consensual relationship. Drawing attention to the conditions laid down in Article 4 of the Charter of the United Nations for admission to membership in the Organization, and to the problems which the question of participation had created for international conferences and for the depositaries of treaties, that representative opposed the provision of paragraph 1 of the original text of article 8. In that representative's opinion, participation in a treaty should be left to those States which participated in the conference drawing up that treaty, and in the case of treaties concluded under the auspices of the United Nations the participation formula should continue to be that used in the codifying conventions concluded hitherto.

58. Other representatives found it unfortunate that the International Law Commission had not yet been able to reach a final agreement on the universality of general multilateral treaties. They expressed the hope that, when the provisions relating to participation in a treaty (articles 8 and 9) and to the definition of a "general multilateral treaty" came to be drafted in final form, the International Law Commission would take into consideration the need for general multilateral treaties to be open to all interested States. General multilateral treaties should be open to all States because they dealt with matters of interest to all States and because their purpose was to state or develop principles and rules of international law which were binding on all States. Limitation of participation in general multilateral treaties would violate the universality of contemporary international law, the principle of the sovereign equality of States and the nature of the law of treaties, and would at the same time have an adverse effect on peaceful coexistence and co-operation between States. Some of the same representatives stated that the problem of participation was not purely political but should also be considered in the light of the international community's legal needs. It was mentioned that the Treaty banning nuclear weapons tests in the atmosphere, in outer space and under water, signed at Moscow in 1963, was open to all States, and that that fact had not created difficulties for the depositaries or posed problems of recognition. Some representatives asserted that States were entitled to participate on a footing of equality in international relations and to be parties to general multilateral treaties whose objectives affected their existence. All those representatives opposing the perpetuation of what they considered discriminatory practices maintained that general multilateral treaties should be open to all States, irrespective of their political, economic and social systems.

59. One representative said that it would be desirable for the International Law Commission to adopt the most liberal possible solution regarding participation in general multilateral treaties, especially in those of such a nature as to make it repugnant that they should be open only to certain States, to the exclusion of others. In that representative's opinion it was essential to concede that at the very least in the absence of specific provision on the subject such treaties should be presumed to be open, in particular the treaties of codification. Lastly, another representative, referring to the difficulty of reaching agreement between those

who favoured universality of participation in general multilateral treaties and those who favoured the contractual principle of the autonomy of will in treaties, said that the International Law Commission should try again to find a way of reconciling the two positions.

60. With regard to consent to be bound by a treaty (articles 11 and 12), one representative said that, apart from the rule that the express or implied intention of the parties was decisive, the only rule really needed was a residual clause requiring merely a choice between signature, ratification, acceptance and approval. Another representative stated that the new provisions respecting ratification represented a certain deviation from the above principle that treaties should be ratified save in exceptional cases and that it would be interesting to see how the new provisions would be received in the comments submitted by Governments.

61. The provisions of the draft articles concerning reservations to multilateral treaties (articles 18 to 22) were also commented on during the debate. The representatives who referred to those provisions believed that, in general, the International Law Commission's review had improved the original text, and they expressed their appreciation for the Commission's effort to take account of comments on those provisions made in previous debates. Some representatives regretted, however, that the Commission had not fully distinguished in every case between the maximum and the minimum legal effects of objections raised against reservations to multilateral treaties. It was said by some that the clauses appearing in article 19, paragraph 4 (*b*) and article 21, paragraph 3 of the draft articles were too severe and did not facilitate the participation of the largest possible number of States in those treaties. In the view of those representatives, the maintenance in force, as between the State that made the reservation and the State that objected to the reservation, of those provisions of the treaty to which the reservation did not relate should not be subject to an express statement of acceptance by the State that had objected to the reservation. Some representatives believed that the presumption should be precisely that the treaty was in force as between the two States, save where the objecting State expressly declared that the treaty was not in force as between it and the reserving State.

62. One representative expressed the view that the International Law Commission should add to article 1 a new sub-paragraph which would distinguish between reservations and declarations, in order to cover the practice, frequent in some States, of including in the instruments of ratification of multilateral conventions declarations expressing objectives which the States wished to achieve and which did not constitute a reservation, as, for example, declarations expressing the need to put an end to situations of colonial dependence. Another representative, referring to the criterion of incompatibility of the reservation with the object and purpose of the treaty (article 18, sub-paragraph (*c*)), said he believed that the draft articles should include provisions for the independent settlement of disputes which might arise in connexion with the application of provisions of that type.

(c) *Preparation of a possible future diplomatic conference of plenipotentiaries on the law of treaties*

63. During the debate, a number of representatives referred to the possibility of convening in the near future a diplomatic conference of plenipotentiaries on the law of treaties. One representative said that before a decision was taken in the matter, it would have to be determined whether the advantages of a convention on the law of treaties outweighed its disadvantages. Other representatives, without prejudging the future recommendations that might be made by the International Law Commission in connexion with its final draft articles on the law of treaties or the General Assembly's final decision on the draft articles, made some positive suggestions concerning the preparation of a possible future conference of plenipotentiaries on the law of treaties.

64. One representative requested that, in order that the Sixth Committee's debates on the convening of a conference should not be too abstract, the Secretariat should prepare for submission to the General Assembly at its twenty-first session: (*a*) a study of the procedural

and organizational problems raised by the convening of a diplomatic conference to approve a multilateral convention on the law of treaties, and (*b*) a reference guide to the International Law Commission's draft articles on the law of treaties. The request was supported by other representatives. Another representative suggested that the Sixth Committee might, through its Chairman, request the International Law Commission to inform the General Assembly of its ideas concerning the procedural and organizational problems related to the preparation of a future diplomatic conference on the law of treaties.

65. At the 850th meeting the Secretary of the Committee said that, after informal consultations with the members of the International Law Commission, the Secretariat would, as requested, prepare for the General Assembly at its twenty-first session a study of the procedural and organizational problems involved in the future diplomatic conference. He also said that the Secretariat would prepare a reference guide to the draft articles on the law of treaties but could not be sure that the guide would be available by the twenty-first session of the General Assembly, since the International Law Commission would not adopt its final text until July 1966.

66. Lastly, another representative stated that the procedure hitherto followed in codification conferences was, in general, based on the rules of procedure of the General Assembly. He said that those rules, devised for political debates, were not well suited to legal discussions. Referring specifically to rules 91 and 92 of the rules of procedure of the General Assembly, he proposed certain remedies to alleviate the difficulties that might arise in plenary meetings of a codification conference as a result of resorting to provisions similar to those contained in the articles in question.

II. Special missions (A/5809, chap. III; A/6009, chap. III)

67. Most representatives who referred in their statements to the chapters of the International Law Commission's reports relating to special missions mentioned the importance, the utility and the necessity of codifying rules of international law governing special missions. It was stated that this would be a further step forward in the codification of modern diplomatic law initiated by the 1961 Vienna Convention on Diplomatic Relations[8] and the 1963 Vienna Convention on Consular Relations.[9]

68. Some representatives pointed out that special missions were an age-old feature of international affairs. Historically they antedated permanent diplomatic missions, and for a long time had been the only form of diplomatic relations known to and employed by sovereigns in their mutual relations. It was pointed out that, apart from their historic interest, special missions had taken on new importance in contemporary international affairs. The expansion of the sphere of State activities which was characteristic of the modern State, the need for increasingly close and varied relations between States, and the technical and complex nature of many subjects of negotiation had impelled States to have more frequent recourse than in the past to the sending of special missions.

69. The proliferation of special missions of every kind, resulting from the dynamism of the times, had given a new dimension to special missions as an institution and had made it more urgent to adopt a uniform and generally accepted system for their regulation. As some representatives pointed out, the fact that customary general international law contained few rules relating to special missions increased still further the need for the codification and progressive development of international law on the subject. A number of representatives, acknowledging the difficulty of the task, considered that the work done on the subject by the

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

[9] See United Nations Conference on Consular Relations, *Official Records*, vol. II, *Annexes* (United Nations publication, Sales No.: 64.X.1).

International Law Commission and the Special Rapporteur for the topic was very praiseworthy.

70. Other representatives stated that special missions were, by virtue of their functions and by their nature, an institution which was distinct from permanent diplomatic missions and to which the 1961 Vienna Convention on Diplomatic Relations could not be directly applied, but that that Convention should serve as an inspiration and guide for the codification of the law on special missions.

71. A number of representatives, while reserving the final positions of their respective Governments, stated that the draft articles on special missions prepared by the International Law Commission were a noteworthy contribution and a true pioneering effort towards the codification of the law on special missions, and that they represented a solid basis for its further codification in the future. The International Law Commission's general approach, and the emphasis it placed on the preparation of the draft articles on special missions, gained the approval of many representatives. Some of them, however, stated that on second reading the International Law Commission should condense and reduce the final text. In that connexion, some representatives stated that the smallest possible number of rules should be drawn up in the simplest and briefest form. Other representatives announced that their Governments were studying the draft articles and would in due course submit such written comments as they deemed relevant. One representative emphasized that the collaboration of Member States through the submission of comments in writing was of great importance to the proper drafting of final rules on so mutable a subject as special missions. Lastly, other representatives welcomed the International Law Commission's intention to finish the draft on special missions at its next session.

72. With regard to the scope of the draft articles, one representative took the view that the International Law Commission should consider including provisions relating to delegates to international congresses and conferences.

73. The value of provisions relating to so-called high-level special missions was emphasized by one representative; at the same time he mentioned the need to bear in mind that there was a class of persons (Vice-Presidents, Deputy Prime Ministers, Ministers of State) who were usually of higher rank than Ministers for Foreign Affairs and who were increasingly being entrusted with special missions. Another representative felt that high-level special missions could not be treated in the same way as those composed of ordinary representatives, and that they therefore warranted a special chapter in the text. Lastly, another representative did not consider that the text on special missions should deal with so-called high-level special missions.

74. As to the form in which the law on special missions should be codified, almost all representatives who spoke on this point were in favour of a convention. One representative pointed out in this connexion that in many countries the grant of privileges and immunities to additional classes of aliens could be effected only through a treaty subject to legislative approval. Another representative, however, while agreeing with the International Law Commission's decision to prepare a draft which could be used as the basis for a convention, said that he was not convinced that it would be feasible to complete the codification of the law on special missions at a plenipotentiary conference, and that other possibilities should be considered. These fears were not shared by another representative, in whose opinion the existence of a body of general principles deduced from the practical rules applied from day to day by the ministries concerned, and from a substantial legal literature, afforded sufficient grounds for hope that a plenipotentiary conference would be able to adopt a convention on special missions.

75. Some representatives raised the question whether the text prepared by the future plenipotentiary conference should be a protocol to the 1961 Vienna Convention on Diplomatic Relations or should be a separate convention. One representative stated that he had

not yet reached any conclusion on the question, but most of the representatives discussing the matter said that they were in favour of a separate convention on special missions even if it used the same terms as the 1961 Vienna Convention. According to one representative, the nature and functions of special missions were different from those of permanent diplomatic missions, and a formal merger of the legal rules applicable to the two institutions should therefore be avoided, for it might create needless difficulties in the future development of both institutions.

76. The term "special missions" was criticized by one representative, who wished to replace it by "temporary missions". This representative took the view that there were only two kinds of diplomatic missions—permanent and temporary. The term "temporary missions" would cover non-permanent missions of every kind, including "special missions".

77. A number of representatives considered that the terminology of the draft articles on special missions should so far as possible be reconciled with that used in the 1961 Vienna Convention on Diplomatic Relations or, where more appropriate, with that of the 1963 Vienna Convention on Consular Relations. Wherever different terms were used, the reason should be stated in the commentary on the draft articles on special missions. One representative pointed out that, whereas in the 1961 Vienna Convention on Diplomatic Relations the expression "members of the mission" included the head of the mission and the members of the diplomatic staff, of the administrative and technical staff and of the service staff of the mission, in articles 3, 4 and 6 of the draft articles on special missions the same expression appeared to cover only the head of the mission and its principal members, to the exclusion of the administrative and technical staff and the service staff of the mission. This representative drew attention to the difficulties which such discrepancies in the terms used might cause to the legislative organs of contracting States when they came to translate the provisions of conventions, which up to a certain point were similar, into rules of domestic law for their respective countries.

78. Several representatives cautioned the International Law Commission against the tendency to widen the notion of the special mission. Many of the representatives who spoke on the subject stressed the need for a precise definition of special missions. The definition given in the commentary on draft article 1 (A/6009, chap. III) seemed to them so vague as to create a danger that the notion of special missions would automatically include the thousands of persons who went abroad on official business every year. One representative held that what mattered most was to define "temporary missions". In the view of others, a distinction should be drawn between different kinds of special missions, and chiefly between those of a highly political nature and those that were purely technical. One representative, however, took the view that there could be no distinction between political special missions and technical special missions, since political missions could have technical aspects and vice versa.

79. In the view of a number of representatives, a precise definition of special missions and a distinction between different kinds of such missions would be very useful in delimiting the sphere of application of the draft articles and particularly of the provisions on the facilities, privileges and immunities of special missions. Those representatives took the position that any exaggerated extension of the privileges and immunities of special missions should be avoided in order to avert unnecessary difficulties and awkward situations, since States were not in favour of increasing the number of persons enjoying privileges and immunities in their territory. Such privileges and immunities should be made as tolerable as possible. The point of departure should be the principle of functional necessity, having regard above all to the purely technical character of most special missions, and to their temporary nature. One representative expressed the view that, in the case of special missions, personal diplomatic status could not always be the deciding factor in the granting of privileges and immunities.

Another representative suggested that the level of representation of the members of a special mission could, if necessary, be taken into account in order to distinguish between persons who were entitled to privileges and immunities and persons who were not.

80. While some representatives gave the wording of the provisions on privileges and immunities in the draft articles on special missions their approval in so far as the text correctly reflected the relevant provisions of the 1961 Vienna Convention on Diplomatic Relations, others stressed the need to limit the scope of the privileges and immunities recognized in the draft articles. In their view the International Law Commission, after delimiting the notion of special missions, should draw up the provisions on the privileges and immunities of such missions, specifying which privileges and immunities applied to each kind of special mission or which were granted to each category of members of such missions.

81. With respect to part I of the draft articles (general rules), one representative considered that the provisions of that part would be more appropriate to a code than to a convention. Other representatives made preliminary comments on certain specific provisions of part I of the draft articles.

82. Thus, regarding the sending and receiving of special missions, one representative pointed out that the draft articles prescribed no specific formalities for that purpose. The commencement of the functions of a special mission did not require the presentation of credentials (article 11); the sending State had to notify the receiving State of the composition and the arrival of the special mission, but if it failed to do so the text did not provide for the loss of the privileges and immunities accorded (article 8). Moreover, the functions of the special mission commenced as soon as the mission entered into official contact with the appropriate organs of the receiving State, which could be, by agreement, those with which the special mission was to conduct its official business, and not necessarily the Ministry of Foreign Affairs of the receiving State. That representative considered that it should be stipulated that the appropriate organ of the receiving State—in most cases the protocol department of the Ministry of Foreign Affairs—should in all cases be notified of the special mission and of its composition. Another representative questioned the necessity of mentioning consular relations in article 1, paragraph 2.

83. Having regard to the temporary nature of special missions, one representative expressed doubts about the pertinence of the provisions on persons declared *non grata* or not acceptable (article 4), freedom of movement (article 21) and professional activity (article 42), which had been drawn up for application to permanent diplomatic missions in the 1961 Vienna Convention.

84. The deletion of the articles on the commencement (article 11) and the end (article12) of the functions of a special mission was suggested by one representative, who also considered that the words "normally" in article 7, paragraph 1, and "in principle" in article 14, paragraph 1, were inappropriate to a legal text. Another representative suggested that, if the provision concerning the right of special missions to use the flag and emblem of the sending State (article 15), was retained in part I of the draft articles, it should be stated that the exercise of that right was accompanied by the obligation to respect the laws and regulations of the receiving State, as prescribed in article 40 for persons enjoying diplomatic privileges and immunities. Lastly, one representative expressed the opinion that the provision relating to activities of special missions in the territory of a third State (article 16) should include the substance of paragraph (3) of the commentary on that article.

85. Referring to the future instrument codifying the law of special missions, one representative expressed the opinion that States would have the right to make exceptions to any of its clauses by express agreement among themselves, unless the text of the clause in question prohibited such action.

III. Other decisions and conclusions of the International Law Commission

(a) *Relations between States and intergovernmental organizations* (A/5809, paras. 41 and 42)

86. One representative said that he agreed that the International Law Commission should give priority to "diplomatic law" in its application to relations between States and intergovernmental organizations when work began on the codification of that topic.

(b) *Programme of work, dates and places of the next meetings of the International Law Commission* (A/6009, chap. IV and paras. 65 and 66)

87. All those who spoke in the discussion welcomed the International Law Commission's decision to complete the study of the law of treaties and of special missions before the end of 1966, and approved the Commission's programme of work for the coming year. Subject, in a few cases, to the reservation that a solution must be found for the administrative and financial problems involved, almost all the representatives who spoke also approved the Commission's proposals for the accomplishment of its aims: namely, that a four-week series of meetings should be held from 3 to 28 January 1966 and that the Commission should reserve the possibility of extending its summer session, scheduled to be held from 4 May to 8 July 1966, for an additional two weeks, i.e. to 22 July 1966. One representative, however, made reservations on these two proposals because of their financial implications and because of the administrative difficulties created by the proliferation of United Nations meetings and conferences. With regard to the invitation issued by the Government of the Principality of Monaco for the Commission to hold in Monaco the four-week session scheduled for January 1966, some representatives said that they had no objection to the acceptance of that invitation provided that it did not involve the United Nations in any expenses over and above the estimated cost of holding the session in question at the International Law Commission's Geneva headquarters.

(c) *Co-operation with other bodies* (A/5809, paras. 43-49; A/6009, paras. 57-63)

88. Many representatives noted with satisfaction that the International Law Commission was continuing its co-operation with the Inter-American Council of Jurists and the Asian-African Legal Consultative Committee. Some referred in their statements to the possibility and desirability of carrying such co-operation further, in conformity with the relevant provisions of the International Law Commission's Statute, by extending it to other intergovernmental and private bodies throughout the world, whether regional or world-wide in scope, which were interested in the progress of international law. The Commission of Jurists of the Organization of African Unity was specifically mentioned by some representatives. One representative said that, in its relations with other bodies, the International Law Commission must always bear in mind that it differed from all the other agencies concerned with the codification and progressive development of international law in that it was an organ of the United Nations.

(d) *Exchange and distribution of documents of the International Law Commission* (A/6009, para. 64)

89. Some representatives said that the special attention given by the International Law Commission to the problem of the exchange and distribution of its documents was satisfactory to them because of the particular importance of those documents to jurists and international legal scholars in all countries; they considered that the Commission had reached the right conclusions on that subject.

(e) *Seminar on International Law* (A/6009, paras. 70-72)

90. All the representatives who spoke on this question congratulated the European Office of the United Nations on its initiative in holding, concurrently with the Commission's seventeenth session, a Seminar on International Law for advanced students of the subject

and young government officials responsible in their respective countries for dealing with questions of international law. They also approved the International Law Commission's recommendation that further seminars should be organized in conjunction with its future sessions. Many representatives expressed the hope that nationals of developing countries would be enabled to participate in those seminars in increasing numbers through the grant of fellowships to cover travel and subsistence expenses. One representative said that persons from Non-Self-Governing and Trust Territories should also take part in them. Some representatives emphasized that, by helping to disseminate knowledge of international law, those seminars served the cause of the progressive development of international law, one of the tasks conferred by the Charter on the General Assembly of the United Nations.

91. With regard to the future organization of the seminars, some representatives stressed that the high level of the discussions could be maintained only by keeping the total number of participants within reasonable bounds. Others expressed the view that the topics should be well chosen and that the lecturers should fairly represent the principal legal systems of the world. It was also stated that, in the future, seminars on international law might be held in other geographical areas, especially in Africa, Latin America and Asia, and that they could perhaps be organized on a regional basis in connexion with the future programme of technical assistance to promote the teaching, study, dissemination and wider appreciation of international law. One representative proposed that the proceedings of the seminars should be published for the benefit of persons other than the participants. Lastly, another representative suggested that next year the Secretariat should prepare a working paper on the seminars so that the Sixth Committee might have a clearer idea how they were organized and conducted.

92. The representative of Israel announced that his Government was prepared to defray the travel and subsistence expenses of a national of a developing country who desired to take part in the seminar and who was chosen by the Secretariat on the basis of such criteria as it might lay down for the purpose. The representative of Brazil said that his delegation would support any measure designed to encourage and develop such seminars. The representative of Costa Rica submitted an amendment (A/C.6/L.561) to the draft resolution (A/C.6/L.559) proposing the addition of a new operative paragraph requesting Member States, non-governmental organizations and foundations to grant fellowships so that nationals of developing countries might be able to participate in the seminars. Other representatives observed that it would facilitate the co-ordination of whatever measures were adopted if the question of fellowships for participation in the seminars was discussed under agenda item 89 "Technical assistance to promote the teaching, study, dissemination and wider appreciation of international law". The representative of Costa Rica withdrew his amendment at the 852nd meeting, and the Sixth Committee adopted, as part of the draft resolution adopted, the amendment relating to seminars which was submitted by Ghana and Romania (A/C.6/L.560) and which is reproduced in paragraph 8 of this report concerning the proposals and amendments submitted.

VOTING

93. At its 852nd meeting, held on 14 October 1965, the Sixth Committee voted on the draft resolution submitted by Lebanon and Mexico (A/C.6/L.559) as modified by the amendment submitted by Ghana and Romania (A/C.6/L.560) and Tunisia (A/C.6/L.562), which had been accepted; the Committee adopted the draft resolution by 74 votes to none, with 2 abstentions.

Recommendation of the Sixth Committee

94. 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 1391st plenary meeting, on 8 December 1965, the General Assembly adopted the draft resolution submitted by the Sixth Committee (para. 94 above). For the final text, see resolution 2045 (XX) below.

2045 (XX). Reports of the International Law Commission on the work of its sixteenth and seventeenth sessions

The General Assembly,

Having considered the reports of the International Law Commission on the work of its sixteenth and seventeenth session (A/5809, A/6009),

Recalling resolution 1902 (XVIII) of 18 November 1963 by which the General Assembly recommended that the International Law Commission should continue its work of codification and progressive development of the law of treaties and its work on State responsibility, succession of States and Governments, special missions and relations between States and intergovernmental organizations,

Emphasizing the need for 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 the law of treaties and of special missions has reached an advanced stage,

Noting with approval that the International Law Commission has proposed to hold a four-week series of meetings in January 1966 and has asked to reserve the possibility of a two-week extension of its summer session in 1966, in order to enable it to complete its draft articles on the law of treaties and on special missions before the end of the term of office of its present members,

Noting with appreciation that the European Office of the United Nations organized in May 1965, during the seventeenth session of the International Law Commission, a Seminar on International Law for advanced students and young government officials responsible in their respective countries for dealing with questions of international law,

Noting that the Seminar was well organized and functioned to the satisfaction of all,

1. *Takes note* of the reports of the International Law Commission on the work of its sixteenth and seventeenth sessions;

2. *Expresses appreciation* to the International Law Commission for the work it has accomplished;

3. *Recommends* that the International Law Commission should:

(*a*) Continue the work of codification and progressive development of the law of treaties and of special missions, taking into account the views expressed at the twentieth session of the General Assembly and the comments which may be submitted by Governments, with the object of presenting final drafts on those topics in the report on the work of its eighteenth session, to be held in 1966;

(*b*) Continue, when possible, its work on State responsibility, succession of States and Governments and relations between States and intergovernmental organizations, taking into account the views and considerations referred to in General Assembly resolution 1902 (XVIII);

4. *Expresses the wish* that in conjunction with future sessions of the International Law Commission other seminars be organized which should ensure the participation of a reasonable number of nationals from the developing countries;

5. *Requests* the Secretary-General:

(*a*) To forward to the International Law Commission the records of the discussions at the twentieth session of the General Assembly on the reports of the Commission;

(*b*) To transmit to Governments at least one month before the opening of the twenty-first session of the General Assembly the final drafts prepared by the International Law Commission up to that time, and in particular the draft articles on the law of treaties.

1391st plenary meeting
8 December 1965

---

6. GENERAL MULTILATERAL TREATIES CONCLUDED UNDER THE AUSPICES OF THE LEAGUE OF NATIONS: REPORT OF THE SECRETARY-GENERAL (AGENDA ITEM 88)

(*a*) Report of the Sixth Committee[10]

[*Original text: English and Spanish*]
[*2 November 1965*]

INTRODUCTION

1. At its eighteenth session the General Assembly, on 18 November 1963, adopted resolution 1903 (XVIII) concerning the problem of twenty-one general multilateral treaties of a technical and non-political character, concluded under the auspices of the League of Nations, which by their terms authorized the Council of the League to invite additional States to become parties, but to which new States, which had come into being since the Council of the League has ceased to exist, had been unable to become parties through lack of an invitation to accede. By that resolution the General Assembly decided that it was itself the appropriate organ of the United Nations to exercise the power conferred by the treaties on the Council of the League to invite States to accede to those treaties, and recorded that the Members of the United Nations parties to the treaties in question assented to the resolution and were resolved to use their good offices to secure the co-operation of the other parties so far as might be necessary. The operative part of resolution 1903 (XVIII) also contained the following provisions:

"*The General Assembly*,

"...

"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

[10] Document A/6088, reproduced from *Official Records of the General Assembly, Twentieth Session, Annexes*, agenda item 88.

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'."

2. Pursuant to operative paragraph 3 (*c*) quoted above, the Secretary-General, considering that the Economic and Social Council appeared to be the competent organ of the United Nations to be consulted in the matter, proposed the inclusion of an appropriate item in the provisional agenda of the thirty-seventh session of the Council. The Council, having considered the item at its 1342nd meeting, included a section on the matter in its report to the General Assembly at the nineteenth session.[11] The Secretary-General also consulted with States parties, with various specialized agencies, and with the Executive Secretaries of the regional economic commissions of the United Nations. Pursuant to operative paragraph 3 (*d*) of resolution 1903 (XVIII) he reported to the General Assembly on the results of those consultations (A/5759 and Add.1).

3. Since there was sufficient evidence that two of the treaties in question, namely, the International Convention for the Suppression of Counterfeiting Currency and the Optional Protocol thereto, both done at Geneva on 20 April 1929, were still in force and were of interest for accession by additional States, the Secretary-General issued invitations for accession thereto in accordance with operative paragraph 4 of resolution 1903 (XVIII).

4. The item entitled "General multilateral treaties concluded under the auspices of the League of Nations" was not considered by the General Assembly at its nineteenth session. In accordance with the statement made by the President of the General Assembly at that session,[12] it was placed by the Secretary-General on the provisional agenda of the twentieth session. At its 1336th meeting, on 24 September 1965, the General Assembly decided to include the item in the agenda of its twentieth session and to allocate it to the Sixth Committee.

5. The Sixth Committee considered the item at its 853rd to 857th meetings, held from 15 to 21 October 1965.

Proposals and amendments

6. Nigeria and Sweden, later joined by Denmark, submitted a draft resolution (A/C.6/L.563) under which the General Assembly would recognize that the nine treaties listed in the annex to the draft resolution might be of interest for accession by additional States within the terms of General Assembly resolution 1903 (XVIII) of 18 November 1963.

7. This draft resolution was later reworded (A/C.6/L.563/Rev.1) to recognize that, from among the nineteen treaties mentioned in the preamble (i.e., all of the twenty-one treaties in question except the International Convention for the Suppression of Counterfeiting Currency

[11] *Official Records of the General Assembly, Nineteenth Session, Supplement No. 3*, chapter X, section IX, paras. 530-533.

[12] *Ibid., Annexes*, annex No. 2, document A/5884, para. 6.

and the Optional Protocol thereto, mentioned in paragraph 3 above), those listed in the annex to the draft resolution might be of interest for accession by additional States within the terms of General Assembly resolution 1903 (XVIII).

8. Algeria, Guinea, Mali, Mauritania, Senegal and Upper Volta submitted an amendment (A/C.6/L.566) which would delete the last paragraph of the original preamble proposed by Denmark, Nigeria and Sweden (A/C.6/L.563), would replace in their operative paragraph the word "*Recognizes*" by "*Recognizing*" and hence turn their operative paragraph into the last paragraph of the preamble, and would add a new operative paragraph to take note of the desirability, expressed in the report of the Secretary-General, of adapting some of those treaties to contemporary conditions if States acceding to them should so request.

9. This amendment was later revised by its sponsors (A/C.6/L.566/Rev.1) to replace the last paragraph of the preamble in the revised draft resolution (A/C.6/L.563/Rev.1) by a new paragraph noting, in particular, the opinions stated in the report of the Secretary-General that some of the treaties might require to be adapted to contemporary conditions, and leaving the operative paragraph in that draft unchanged and adding a new operative paragraph 2 drawing the attention of the parties to the desirability of adapting some of those treaties to contemporary conditions, particularly in the event that new parties should so request. This amendment was accepted by Denmark, Nigeria and Sweden, and the resulting draft, which was identical with the draft resolution recommended by the Sixth Committee, was issued in document A/C.6/L.563/Rev.2.

Debate

10. A number of delegations considered that the main problems involved in the question under consideration had been the determination of the appropriate organ to exercise the power which had once belonged to the Council of the League of Nations, of inviting additional States to accede to the treaties in question, and the determination of what additional States should be invited; these problems had been settled in 1963 by General Assembly resolution 1903 (XVIII), and it remained only to take note of the report of the Secretary-General on the results of his consultations (A/5759 and Add.1) and to specify which were the treaties which were still of interest for accession by additional States. The decisions now to be taken were purely consequent upon those of the eighteenth session, and voting on them did not involve any compromising of positions taken in 1963. It was further stated that resolution 1903 (XVIII) requested the Secretary-General to issue invitations to, among others, each State "which has been designated for this purpose by the General Assembly", and that States which felt that the resolution was otherwise inadequate were free to propose the designation of additional States.

11. Other delegations, however, considered references to resolution 1903 (XVIII) unacceptable or undesirable because that resolution provided for the issuance of invitations only to certain classes of States, rather than to all States without exception. Extension of participation of States in treaties was, in their view, an important factor in promoting international co-operation, particularly under conditions of peaceful coexistence of States with different economic and social systems. Invitations to accede would serve their purpose only if they avoided discrimination against any State, and fully recognized the principles of universality and of the sovereign equality of States. The task of promoting universality could not be set aside for the time being, since any delay would strengthen discrimination against some States and raise further barriers to their accession. The General Assembly could not be prevented from improving a solution already adopted. General multilateral treaties, in the view of some delegations, regulated matters of universal interest and should be open to accession on a universal basis. Such treaties were concluded on behalf of, and belonged to, the international community as a whole, and could not be closed to States which were not members of the organization under whose auspices they had been concluded. The principle of universality was becoming increasingly recognized in treaties, for example the Treaty

banning nuclear weapons tests in the atmosphere, in outer space and under water, signed at Moscow in 1963. Moreover, the adoption of the "all States" formula would not create practical difficulties, since there was a fairly well established body of doctrine defining the concept of statehood.

12. On the other hand, one delegation maintained that the idea of universality was in contradiction with the very nature of treaties, which resulted from a consensual relationship. Another delegation stated that a treaty could be said to be a general multilateral treaty only when the original parties included a provision opening it to accession by all States; the treaties in question were only conditional general multilateral treaties, and new States had no unconditional right to become parties. In addition, others said that under the "all States" formula the Secretary-General would be burdened with the heavy responsibility of deciding which of various political entities whose legal status was disputed should receive invitations to accede; the Secretary-General should not have to bear such responsibility, since only the General Assembly had the power to decide the matter. It would therefore, in the view of those delegations, not be desirable to eliminate references to resolution 1903 (XVIII) from the draft resolution, since such elimination would leave the text at best unclear as to whether the Secretary-General had instructions to continue to issue invitations to accede to the treaties.

13. In reply to a question asked by a delegation, the Legal Counsel, representative of the Secretary-General, stated that in his opinion the deletion of the reference to resolution 1903 (XVIII) from the operative part would make that part less clear, but would not imply that resolution 1903 (XVIII) had been superseded and would not constitute a basis for carrying out the action envisaged in the draft resolution. He pointed out that it was the General Assembly, and not the Secretary-General, which had taken over the functions of the Council of the League of Nations. If resolution 1903 (XVIII) were to be expressly superseded by the "all States" formula, he recalled that at the eighteenth session the Secretary-General had stated[13] that he would be able to implement that formula only if the General Assembly provided him with a complete list of the States covered by that formula.

14. As for the question of which treaties should be opened for accession by additional States, many delegations felt that despite the limited number of replies to the Secretary-General's inquiries, the situation was fairly clear, and at least the nine treaties in the first three categories listed in the Secretary-General's report (A/5759, paras. 133-135) should be opened for accession by additional States, although the views of the parties to all the treaties in question should be carefully considered. The fact that some of the parties had not replied was in their view not very significant.

15. One delegation suggested that the lack of interest shown in some of the nine treaties listed in the first three categories in the report of the Secretary-General made it inaccurate to say that those treaties might be of interest for accession by additional States; it could only be suggested that consideration might be given to accession to them. Another delegation felt that it was unfortunate that a number of States parties which the Secretary-General had consulted had not responded, and suggested that those States should again be requested to state their views; unless a majority of parties had made affirmative replies, the resolution should not mention particular treaties, and States should be invited to accede to whichever of the nineteen treaties were of interest to them, without excluding any of the categories listed in the Secretary-General's report.

16. Two delegations considered that the Convention and Statute on Freedom of Transit, done at Barcelona on 20 April 1921, was of uncertain interest for new accessions, and one delegation stated that the Convention on the Régime of Navigable Waterways and Additional Protocol thereto was no longer of interest because of the drawing up of a new United Nations Convention on the Transit Trade of Land-locked States (TD/TRANSIT/9 and Corr.1). On the other hand, one delegation declared that though its Government considered that the

[13] *Ibid., Eighteenth Session, Plenary Meetings*, 1258th meeting, para. 101.

Convention and Statute on the International Régime of Railways, and Protocol of Signature, which were not included in the annex to the draft resolution, were still in force and did not require adaptation to contemporary conditions, it was prepared to agree to their omission from the list. Another delegation referred to the possible interest of the International Agreement relating to the Exportation of Hides and Skins, and Protocol, not mentioned in the annex, for States exporting those commodities.

17. Two delegations referred to the various treaties concluded under the auspices of the League of Nations, in particular those on uniform laws for bills of exchange, promissory notes and cheques, which by their terms were open to all States and hence did not require any action to permit new accessions; in their view, the draft resolution should not give the impression that apart from the treaties mentioned in the annex, no other League treaties were of interest for accession by new States.

18. The members of the Committee were aware that some of the treaties being opened for accession could benefit by being adapted to contemporary conditions. Many delegations felt, however, that that was no reason to delay issuing invitations to accede, as newly acceding States would by the fact of their accession gain the opportunity of participating in the process of revision. The revision of the treaties could best be left to the parties or, in the view of some delegations, to the appropriate technical international organization; in any event, the question could not be effectively discussed in the Sixth Committee.

19. Two delegations, however, considered that arrangements should at once be made for the adaptation of the treaties to contemporary conditions before additional States were asked to accede.

20. A number of delegations thought it desirable to make specific mention in the draft resolution of the possibility of revision of the treaties at the request of newly acceding parties, since they were more likely to raise the question of adaptation to contemporary conditions than the original parties, and the new parties should be preserved from any misunderstanding or imputation of bad faith if they acceded and then called for revision. They stated, however, that it was not their intention to make any suggestion of privilege of the new parties or of inequality of treatment, since any party, whether old or new, could raise the question of amendment, and they all had equal rights in that respect. Several other delegations stressed the equality of rights of all parties, whether old or new, in respect of revision of the treaties.

21. One delegation declared that, when consideration was given to changes in the treaties, the League treaties which were open to all States should be taken as a model. Another delegation mentioned the desirability of eliminating colonial clauses.

VOTING

22. At its 856th meeting, on 20 October 1965, the Sixth Committee adopted by 39 votes to 32, with 18 abstentions, a motion for the closure of the debate made by the representative of Senegal. The Committee then proceeded to vote on the draft resolution before it (A/C.6/L.563/Rev.2), on the various parts of which a roll-call vote had been requested. The results of the voting were as follows:

(*a*) The first preambular paragraph was adopted by a roll-call vote of 67 votes to 10, with 11 abstentions. The voting was as follows:

In favour: Algeria, Argentina, Australia, Austria, Belgium, Bolivia, Brazil, Cameroon, Canada, Chad, Chile, China, Colombia, Congo (Democratic Republic of), Costa Rica, Cyprus, Dahomey, Denmark, Ecuador, Finland, France, Greece, Guatemala, Guinea, Haiti, Iceland, India, Iran, Ireland, Israel, Italy, Jamaica, Japan, Liberia, Luxembourg, Madagascar, Malaysia, Mali, Mauritania, Mexico, Netherlands, New Zealand, Nicaragua, Nigeria, Norway, Pakistan, Panama Peru, Philippines, Senegal, Sierra Leone, South Africa, Spain, Sweden, Thailand, Togo, Tunisia, Turkey, Uganda, United Kingdom of Great Britain and

Northern Ireland, United Republic of Tanzania, United States of America, Upper Volta, Uruguay, Venezuela, Yugoslavia, Zambia.

Against: Bulgaria, Byelorussian Soviet Socialist Republic, Congo (Brazzaville), Cuba, Czechoslovakia, Hungary, Mongolia, Poland, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics.

Abstaining: Afghanistan, Burma, Ethiopia, Ghana, Iraq, Kuwait, Libya, Morocco, Romania, Syria, United Arab Republic.

(*b*) The words "since" and "the Secretary-General has already issued invitations for accession to those instruments" in the third preambular paragraph were adopted by a roll-call vote of 65 votes to 9, with 14 abstentions. The voting was as follows:

In favour: Algeria, Argentina, Australia, Austria, Belgium, Bolivia, Brazil, Cameroon, Canada, Chad, Chile, China, Colombia, Congo (Democratric Republic of), Costa Rica, Cyprus, Dahomey, Denmark, Ecuador, Finland, France, Greece, Guatemala, Guinea, Haiti, Iceland, India, Iran, Ireland, Israel, Italy, Jamaica, Japan, Luxembourg, Madagascar, Malaysia, Mali, Mauritania, Mexico, Netherlands, New Zealand, Nicaragua, Nigeria, Norway, Panama, Peru, Philippines, Senegal, Sierra Leone, South Africa, Spain, Sweden, Thailand, Togo, Tunisia, Turkey, Uganda, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America, Upper Volta, Uruguay, Venezuela, Yugoslavia, Zambia.

Against: Bulgaria, Byelorussian Soviet Socialist Republic, Cuba, Czechoslovakia, Hungary, Mongolia, Poland, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics.

Abstaining: Afghanistan, Burma, Congo (Brazzaville), Ethiopia, Ghana, Iraq, Kuwait, Liberia, Libya, Morocco, Pakistan, Romania, Syria, United Arab Republic.

(*c*) The words "within the terms of General Assembly resolution 1903 (XVIII) of 18 November 1963" in paragraph 1 were adopted by a roll-call vote of 52 votes to 17, with 17 abstentions. The voting was as follows:

In favour: Argentina, Australia, Austria, Belgium, Bolivia, Brazil, Cameroon, Canada, Chad, Chile, China, Colombia, Congo (Democratic Republic of), Costa Rica, Denmark, Ecuador, Finland, France, Greece, Guatemala, Haiti, Iceland, Ireland, Israel, Italy, Jamaica, Japan, Luxembourg, Madagascar, Malaysia, Mali, Mauritania, Netherlands, New Zealand, Nicaragua, Nigeria, Norway, Panama, Peru, Philippines, Senegal, Sierra Leone, South Africa, Spain, Sweden, Thailand, Togo, Uganda, United Kingdom of Great Britain and Northern Ireland, United States of America, Upper Volta, Venezuela.

Against: Algeria, Bulgaria, Burma, Byelorussian Soviet Socialist Republic, Cuba, Czechoslovakia, Hungary, India, Iraq, Mongolia, Poland, Romania, Syria, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Republic, Yugoslavia.

Abstaining: Afghanistan, Congo (Brazzaville), Cyprus, Dahomey, Ethiopia, Ghana, Guinea, Iran, Kuwait, Liberia, Libya, Morocco, Pakistan, Tunisia, Turkey, United Republic of Tanzania, Zambia.

(*d*) The draft resolution as a whole was adopted by a vote of 69 votes to none, with 17 abstentions.

Recommendation of the Sixth Committee

23. The Sixth Committee therefore recommends to the General Assembly the adoption of 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 1367th plenary meeting, on 5 November 1965, the General Assembly adopted the draft resolution submitted by the Sixth Committee (para. 23 above). For the final text, see resolution 2021 (XX) below.

2021 (XX). General multilateral treaties concluded under the auspices of the League of Nations

The General Assembly,

Recalling its resolution 1903 (XVIII) of 18 November 1963 on participation in general multilateral treaties concluded under the auspices of the League of Nations,

Having considered the report of the Secretary-General (A/5759 and Add.1) submitted in accordance with paragraph 3 (*d*) of that resolution,

Noting that, since there was sufficient evidence that the International Convention for the Suppression of Counterfeiting Currency and the Optional Protocol thereto, both done at Geneva on 20 April 1929, were still in force and were of interest for accession by additional States, the Secretary-General has already issued invitations for accession to those instruments,

Noting also the results of the Secretary-General's consultations in regard to the other nineteen treaties dealt with in the above-mentioned report,

Noting in particular the opinions, stated in the report of the Secretary-General, that some of these treaties may need to be adapted to contemporary conditions,

1. *Recognizes* that, from among the nineteen treaties mentioned above, those listed in the annex to the present resolution may be of interest for accession by additional States within the terms of General Assembly resolution 1903 (XVIII);

2. *Draws the attention* of the parties to the desirability of adapting some of these treaties to contemporary conditions, particularly in the event that new parties should so request.

1367th plenary meeting
5 November 1965

ANNEX

1. International Convention concerning the Use of Broadcasting in the Cause of Peace, Geneva, 23 September 1936.

2. Protocol relating to a Certain Case of Statelessness, The Hague, 12 April 1930.

3. Convention on Certain Questions relating to the Conflict of Nationality Laws, The Hague, 12 April 1930.

4. Protocol relating to Military Obligations in Certain Cases of Double Nationality, The Hague, 12 April 1930.

5. Convention and Statute on Freedom of Transit, Barcelona, 20 April 1921.

6. Convention and Statute on the Régime of Navigable Waterways of International Concern, Barcelona, 20 April 1921.

7. Additional Protocol to the Convention on the Régime of Navigable Waterways of International Concern, Barcelona, 20 April 1921.

8. Convention and Statute on the International Régime of Maritime Ports, and Protocol of Signature, Geneva, 9 December 1923.

9. International Convention relating to the Simplification of Customs Formalities, and Protocol, Geneva, 3 November 1923.

7. TECHNICAL ASSISTANCE TO PROMOTE THE TEACHING, STUDY, DISSEMINATION AND WIDER APPRECIATION OF INTERNATIONAL LAW: REPORT OF THE SPECIAL COMMITTEE ON TECHNICAL ASSISTANCE TO PROMOTE THE TEACHING, STUDY, DISSEMINATION AND WIDER APPRECIATION OF INTERNATIONAL LAW (AGENDA ITEM 89)

Resolution [2099 (XX)] adopted by the General Assembly

2099 (XX). Technical assistance to promote the teaching, study, dissemination and wider appreciation of international law

The General Assembly,

Recalling its resolutions 1816 (XVII) of 18 December 1962 and 1968 (XVIII) of 16 December 1963,

Having considered the report of the Special Committee on Technical Assistance to Promote the Teaching, Study, Dissemination and Wider Appreciation of International Law (A/5887),

Having also considered the relevant paragraphs of the report of the Technical Assistance Committee (A/5791; E/3933, paras. 54-60) and of the report of the Economic and Social Council (A/5803, para. 346), the reports of the Secretary-General (A/5585; A/5790), the communication by the United Nations Educational Scientific and Cultural Organization (A/C.6/L.565), as well as the replies received from Governments of Member States and from interested international organizations and institutions (A/5455 and Add.1-6, A/5744 and Add.1-4),

Recognizing the need for the strengthening of the role of international law in international relations,

Having noted the valuable work which is being undertaken by some institutions and other bodies in the promotion of the teaching, study, dissemination and wider appreciation of international law,

Considering nevertheless that much remains to be done in this field,

Noting that a large number of Member States have expressed the view that a programme of assistance and exchange should be established and administered by the United Nations and the United Nations Educational, Scientific and Cultural Organization for the purpose of furthering the objectives of the United Nations and of assisting Member States, in particular developing countries, in the training of specialists in the field of international law and in the promotion of the teaching, study, dissemination and wider appreciation of international law,

Bearing in mind the limited financial means available for this purpose and the desirability of avoiding any duplication of programmes established and carried out by States and by other international and national organizations,

Considering that even a limited programme will contribute towards meeting some of the most pressing needs for a better knowledge of international law as a means of strengthening international peace and security and of promoting friendly relations and co-operation among States,

1. *Expresses its appreciation* to the Special Committee on Technical Assistance to Promote the Teaching, Study, Dissemination and Wider Appreciation of International Law and to the United Nations Educational, Scientific and Cultural Organization for the work accomplished in the preparation of the programme of assistance and exchange in the field of international law;

2. *Decides* to establish a programme of assistance and exchange in the field of international law consisting of:

(*a*) Steps to encourage and co-ordinate existing international law programmes carried out by States and by organizations and institutions, such as those proposed by the Special Committee in part I, section A, of its report to the General Assembly;

(*b*) Forms of direct assistance and exchange, such as seminars, training and refresher courses, fellowships, advisory services of experts, the provision of legal publications and libraries, and translations of major legal works;

3. *Authorizes* the Secretary-General to initiate the preparatory work for this programme in 1966 within the total level of appropriations approved for that year;

4. *Requests* the Secretary-General to publicize the above-mentioned programme and invites Member States, interested national and international institutions and organizations, and individuals to make voluntary contributions towards the financing of this programme or otherwise towards assisting in its implementation and possible expansion, in accordance with the report of the Special Committee;

5. *Requests* the Secretary-General, taking into consideration the voluntary contributions which may have been received in terms of paragraph 4 above and in consultation with the Advisory Committee on Administrative and Budgetary Questions, to make in the budget estimates for 1967 and 1968 such provisions as may be necessary to carry out the activities specified in the annex to the present resolution;

6. *Invites* the United Nations Educational, Scientific and Cultural Organization to participate in the implementation of the programme established in paragraph 2 above and requests the Secretary-General to reach agreement with the Director-General of that organization, subject to any necessary approval by the competent authorities of the two organizations, as to which parts of the programme are to be financed and administered by each organization;

7. *Requests* the Board of Trustees of the United Nations Institute for Training and Research to consider the ways in which international law is to be given its proper place among the activities of the Institute in the light of the report of the Special Committee and of the views expressed on the subject in the Sixth Committee;

8. *Decides* to establish an Advisory Committee on Technical Assistance to Promote the Teaching, Study, Dissemination and Wider Appreciation of International Law—composed of ten Member States to be appointed every three years by the General Assembly—which shall meet at the request either of the Secretary-General or of a majority of its members, shall advise the Secretary-General on the substantive aspects of the programmes contained in the report of the Special Committee and on the implementation of the present resolution and shall report, as appropriate, to the General Assembly; a representative of the United Nations Educational, Scientific and Cultural Organization and a representative of the United Nations Institute for Training and Research shall be invited, whenever necessary, to the meetings of the Advisory Committee;

9. *Reiterates* the appeal to Member States, made in its resolution 1968 C (XVIII) of 16 December 1963, inviting them to offer foreign students fellowships in the field of international law at their universities and institutions of higher education and 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 that field;

10. *Calls the attention* of Member States to the existing arrangements whereby, apart from the programme mentioned in paragraph 2 above, requests may be made:

(*a*) Under part V of the regular budget for assistance with respect to any international legal aspects involved in development projects, and under the human rights advisory services programme for assistance relating to the field of international law;

(*b*) Under the Expanded Programme of Technical Assistance for assistance in specific fields of international law related to economic, social or administrative development, provided such requests are included in country programmes in accordance with the relevant rules and procedures;

11. *Requests* the Secretary-General to report on the implementation of the present resolution and decides to include in the provisional agenda of its twenty-first session an item entitled "Technical assistance to promote the teaching, study, dissemination and wider appreciation of international law";

12. *Requests* the Secretary-General to explore the possibility of including the topic "The teaching, study, dissemination and wider appreciation of international law" among the subjects of technical assistance programmes and to report thereon to the General Assembly at its twenty-first session.

1404th plenary meeting
20 December 1965

*
* *

At its 1404th plenary meeting, on 20 December 1965, the General Assembly appointed, on the proposal of the Sixth Committee (A/6136, para. 28) the members of the Advisory Committee on Technical Assistance to Promote the Teaching, Study, Dissemination and Wider Appreciation of International Law, established under paragraph 8 of the above resolution.

The Advisory Committee will be composed of the following Member States: AFGHANISTAN, BELGIUM, ECUADOR, FRANCE, GHANA, HUNGARY, UNION OF SOVIET SOCIALIST REPUBLICS, UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND, UNITED REPUBLIC OF TANZANIA *and* UNITED STATES OF AMERICA.

Annex

PROGRAMME FOR 1967

(*a*) A regional training and refresher course of four weeks' duration, which will be given in Africa and which will be the first of a series of such courses to be held every two years, in rotation, in Africa, Asia and Latin America;

(*b*) Award of ten fellowships at the request of Governments by developing countries;

(*c*) Advisory services of up to three experts, if requested by developing countries;

(*d*) Provision of a set of United Nations legal publications to up to fifteen institutions in developing countries;

(*e*) Preparation of a survey of certain of the principal examples of the codification and progressive development of international law within the framework of the United Nations.

PROGRAMME FOR 1968

(*a*) A regional seminar of three weeks' duration, which will be held in Latin America and which will be the first of a series of such seminars to be held every two years, in rotation, in Latin America, Africa and Asia;

(*b*) Award of fifteen fellowships at the request of Governments of developing countries;

(*c*) Advisory services of up to five experts, if requested by developing countries;

(*d*) Provision of a set of United Nations legal publications to up to twenty institutions in developing countries;

(*e*) Publication of a survey of certain of the principal examples of the codification and progressive development of international law within the framework of the United Nations.

8. CONSIDERATION OF PRINCIPLES OF INTERNATIONAL LAW CONCERNING FRIENDLY RELATIONS AND CO-OPERATION AMONG STATES IN ACCORDANCE WITH THE CHARTER OF THE UNITED NATIONS: (*a*) REPORT OF THE SPECIAL COMMITTEE ON PRINCIPLES OF INTERNATIONAL LAW CONCERNING FRIENDLY RELATIONS AND CO-OPERATION AMONG STATES; (*b*) STUDY OF THE PRINCIPLES ENUMERATED IN PARAGRAPH 5 OF GENERAL ASSEMBLY RESOLUTION 1966 (XVIII); (*c*) REPORT OF THE SECRETARY-GENERAL ON METHODS OF FACT-FINDING (AGENDA ITEM 90)

OBSERVANCE BY MEMBER STATES OF THE PRINCIPLES RELATING TO THE SOVEREIGNTY OF STATES, THEIR TERRITORIAL INTEGRITY, NON-INTERFERENCE IN THEIR DOMESTIC AFFAIRS, THE PEACEFUL SETTLEMENT OF DISPUTES AND THE CONDEMNATION OF SUBVERSIVE ACTIVITIES (AGENDA ITEM 94)

(*a*) Report of the Sixth Committee[14]

[*Original text: English and Spanish*]
[*18 December 1965*]

INTRODUCTION

1. Agenda item 90, entitled "Consideration of principles of international law concerning friendly relations and co-operation among States in accordance with the Charter of the United Nations", has its origin in General Assembly resolution 1815 (XVII) of 18 December 1962, which provided, *inter alia*, that 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;

---

[14] Document A/6165, reproduced from *Official Records of the General Assembly, Twentieth session, Annexes*, Agenda items 90 and 94.

"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;

"(*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 their priority;"

2. At its eighteenth session the General Assembly adopted resolution 1966 (XVIII) of 16 December 1963, by which it decided to establish a Special Committee on Principles of International Law concerning Friendly Relations and Co-operation among States. That Committee was requested to draw up and submit to the General Assembly at its nineteenth session a report "containing, for the purpose of the progressive development of the four principles" listed in operative paragraph 3 of General Assembly resolution 1815 (XVII), quoted above, "so as to secure their more effective application, the conclusions of its study and its recommendations...". The same resolution provided that the General Assembly,

"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;"

3. Also at its eighteenth session the General Assembly adopted resolution 1967 (XVIII) of 16 December 1963 on the question of methods of fact-finding, by which it invited the views of Member States, requested the Secretary-General to study the relevant aspects of the problem and to report on it 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 Assembly resolution 1966 (XVIII), and also requested the Special Committee to include the matter in its deliberations.

4. The Special Committee established under Assembly resolution 1966 (XVIII) met in Mexico City from 27 August to 1 October 1964 and adopted a report on its work (A/5746).

5. 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", which covered the report of the Special Committee (A/5746), the study of the principles enumerated in operative paragraph 5 of General Assembly resolution 1966 (XVIII) (see paragraph 2 above) and the report of the Secretary-General on methods of fact-finding (A/5694), was not considered by the General Assembly at its nineteenth session. In accord-

ance with a statement made by the President of the General Assembly at that session,[15] the item was placed by the Secretary-General on the provisional agenda of the twentieth session. At its 1336th meeting, on 24 September 1965, the General Assembly decided to include the item in the agenda of its twentieth session and to allocate it to the Sixth Committee.

6. Agenda item 94, entitled "Observance by Member States of the principles relating to the sovereignty of States, their territorial integrity, non-interference in their domestic affairs, the peaceful settlement of disputes and the condemnation of subversive activities", was proposed by Madagascar,[16] for inclusion in the agenda of the nineteenth session of the General Assembly, but the Assembly took no decision on its inclusion. It was proposed again by Madagascar (A/5937) for inclusion in the agenda of the twentieth session. At its 1336th meeting, on 24 September 1965, the General Assembly decided to include the item in the agenda of its twentieth session and to allocate it to the Sixth Committee.

7. The Sixth Committee, at its 853rd meeting, on 15 October 1965, decided to consider items 90 and 94 together. It considered the two items at its 870th, 871st, 872nd, 874th and 893rd meetings and also at its 898th meeting, held from 5 November to 8 December and 17 December 1965.

8. In connexion with its consideration of agenda item 90, in addition to the reports o the Special Committee (A/5746) and of the Secretary-General (A/5694) mentioned above, the Committee had before it the comments received from Governments, in accordance with General Assembly resolution 1966 (XVIII), on the seven principles referred to in that resolution and on the question of methods of fact-finding (A/5725 and Add.1-7).

Proposals and amendments

9. Under agenda item 90, Australia, Canada and the United Kingdom of Great Britain and Northern Ireland, later joined by Denmark, New Zealand and the United States of America, submitted a draft resolution (A/C.6/L.575 and Add.1) providing that the General Assembly:

"1. *Requests* the Special Committee [on Principles of International Law concerning Friendly Relations and Co-operation among States established by General Assembly resolution 1966 (XVIII)], having regard to the Special Committee's text on the principle of sovereign equality and the text on the prohibition of the threat or use of force in international relations, to study, at a second session, the remaining five principles enumerated in General Assembly resolution 1815 (XVII), and to submit to the twenty-first session of the General Assembly a report containing, for the purpose of the progressive development and codification of the seven principles enumerated in that resolution so as to secure their more effective application, the conclusions of its study and its recommendations, taking into account:

"(*a*) The report of the first session of the Special Committee;

"(*b*) The views expressed by Member States on the report and on the principles;

"(*c*) The practice of the United Nations and of States in the application of the principles established in the Charter of the United Nations;

"2. *Requests* the Secretary-General to assist the Special Committee in its work, providing, in particular, such additional background documentation as he deems useful;

"3. *Decides* to place an item entitled 'Consideration of principles of international law concerning friendly relations and co-operation among States in accordance with the

[15] *Official Records of the General Assembly, Nineteenth Session, Annexes*, annex No. 2, document A/5884, para. 6.

[16] *Ibid.*, document A/5757 and Add.1.

Charter of the United Nations' on the provisional agenda of its twenty-first session in order to consider the report of the second session of the Special Committee."

10. On the same item, Czechoslovakia submitted a draft resolution (A/C.6/L.576) which provided that the General Assembly:

"1. *Takes note* of the report of the Special Committee on Principles of International Law concerning Friendly Relations and Co-operation among States, with appreciation for the valuable work done by it;

"2. *Decides* to establish a Special Committee composed of ... in order to:

"(*a*) Complete the consideration, with a view to their progressive development and codification, of the four principles enumerated in paragraph 3 of resolution 1815 (XVII), taking into account, in particular, the desirability of achieving progress in the formulation of those principles or component parts of the principles on which no consensus was reached in the 1964 Special Committee; and

"(*b*) Consider, with a view to their progressive development and codification, the principles enumerated in paragraph 5 of resolution 1966 (XVIII);

"3. *Invites* the Special Committee to take into account, when it considers the principles referred to in paragraph 2 (*a*) and (*b*) above:

"(*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) and paragraph 6 of resolution 1966 (XVIII); and

"(*c*) The views and suggestions advanced by the representatives of Member States during the seventeenth, eighteenth and twentieth session of the General Assembly;

"4. *Requests* the Special Committee to meet as soon as possible and to submit to the General Assembly at its twenty-first session a comprehensive report on the results of its study of the seven principles enumerated in resolution 1815 (XVII), including a draft declaration on these principles and other recommendations and conclusions concerning their progressive development and codification and more effective application;

"5. *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, as well as any material he deems relevant to the work of the Special Committee;

"6. *Decides* to place an item entitled 'Consideration of the 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 twenty-first session in order to consider the report of the Special Committee and to adopt a Declaration on these principles."

11. On the same item, Algeria, Burma, Cameroon, Ceylon, Congo (Brazzaville), Cyprus, Cuba, Dahomey, Ethiopia, Ghana, Guinea, India, Iraq, Jordan, Kenya, Kuwait, Lebanon, Liberia, Libya, Madagascar, Mali, Mauritania, Morocco, Nepal, Nigeria, Rwanda, Saudi Arabia, Senegal, Sudan, Syria, Togo, Tunisia, Uganda, United Arab Republic, United Republic of Tanzania, Upper Volta, Yemen, Yugoslavia and Zambia, later joined by the Central African Republic and Ivory Coast, submitted a draft resolution (A/C.6/L.577), later revised by minor drafting changes (A/C.6/L.577/Rev.1), which in its revised form provided that the General Assembly:

"1. *Takes note* of the report of the Special Committee on Principles of International Law concerning Friendly Relations and Co-operation among States;

"2. *Expresses* its appreciation to the Special Committee for the valuable work it performed in Mexico;

"3. *Decides* to establish a Special Committee on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations, having regard to the principle of equitable geographical distribution and the need to ensure that the principal legal systems and main forms of civilization in the world are represented and taking into account the new trends in the international community resulting from the accession to independence of several countries, in order:

"(*a*) To continue, in the light of the discussions which took place in the Sixth Committee, during the seventeenth, eighteenth and twentieth sessions of the General Assembly and of the report of the Special Committee established under resolution 1966 (XVIII), consideration of the principle that States shall refrain in their international relations from the threat or use of force, of the principle that States shall settle their international disputes by peaceful means and of the duty not to intervene in matters within the domestic jurisdiction of any State;

"(*b*) To take up the pending proposals and views already submitted to the Special Committee established under resolution 1966 (XVIII), relating to the principle of sovereign equality of States, with a view to reaching an exhaustive formulation on that principle in the light of the discussions in the Sixth Committee during the twentieth session of the General Assembly;

"(*c*) To consider the principle of the duty of States to co-operate with one another in accordance with the Charter, the principle of equal rights and self-determination of peoples and the principle that States shall fulfil in good faith the obligations assumed by them in accordance with the Charter, which were considered by the Sixth Committee at the twentieth session of the General Assembly, taking into account in particular:

"(i) The practice of the United Nations and of States respecting the application of the principles laid down in the Charter of the United Nations;

"(ii) The comments submitted by Governments on this subject in accordance with paragraph 6 of resolution 1966 (XVIII);

"(iii) The views and suggestions advanced by the representatives of Member States during the seventeenth, eighteenth and twentieth sessions of the General Assembly;

"(*d*) To submit a comprehensive report on the results of its study of the seven principles enumerated in resolution 1815 (XVII) including its conclusions and recommendations, with a view to enabling the General Assembly to adopt a declaration which would constitute an important landmark in the progressive development of these principles and their codification;

"4. *Requests* the Special Committee to meet as soon as possible and to report to the General Assembly at its twenty-first session;

"5. *Requests* the Secretary-General to co-operate with the Special Committee in its task and to provide all the services, documentation and other facilities necessary for its work;

"6. *Decides* to place an item entitled 'Consideration of the 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 twenty-first session."

12. Also on agenda item 90, Argentina, Bolivia, Costa Rica, Guatemala, Jamaica, Mexico, Nicaragua, Peru and Venezuela, later joined by Chile, submitted a draft resolution (A/C.6/L.578 and Add.1) providing that the General Assembly:

"1. *Takes note* of the report of the Special Committee on Principles of International Law concerning Friendly Relations and Co-operation among States (document A/5746);

"2. *Decides* to continue the Special Committee with its present membership as indicated in documents A/5689 of 17 February 1964 and A/5727 of 26 August 1964;

"3. *Requests* the Special Committee to continue its study of the four principles enumerated in paragraph 3 of resolution 1815 (XVII) and to submit to the General Assembly at its twenty-first session a second report with its conclusions and recommendations on the matter;

"4. *Also requests* the Special Committee to study the three principles enumerated in paragraph 5 of resolution 1966 (XVIII), for the purpose of the progressive development and codification of those principles and in order more effectively to ensure their application, and to submit to the General Assembly at its twenty-first session a report containing the conclusions of this study and its recommendations, taking into account in particular:

"(*a*) The practice of the United Nations and of States respecting the application of the said principles;

"(*b*) The comments submitted by Governments on this subject in accordance with paragraph 6 of resolution 1966 (XVIII);

"(*c*) The views and suggestions advanced by the representatives of Member States during the twentieth session of the General Assembly;

"5. *Requests* the Secretary-General to give the Special Committee all necessary assistance for the effective performance of its task;

"6. *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 twenty-first session in order to consider the reports of the Special Committee."

13. On the question of methods of fact-finding, included in agenda item 90, the Netherlands submitted a draft resolution (A/C.6/L.580) providing that the General Assembly:

"1. *Requests* the Secretary-General to supplement his study on the relevant aspects of the problem so as to cover the main trends and characteristics of international inquiry as envisaged in some treaties as a means of ensuring their execution and to report to the General Assembly at its twenty-first session;

"2. *Invites* Member States to submit in writing to the Secretary-General, before July 1966, any views or further views they may have on this subject in the light of the reports of the Secretary-General and the relevant chapter of the report of the Special Committee established under General Assembly resolution 1966 (XVIII) and requests the Secretary-General to transmit these comments to Member States before the beginning of the twenty-first session of the General Assembly."

14. Under agenda item 94, Madagascar submitted a draft resolution [17] providing that the General Assembly:

"1. *Solemnly reiterates and reaffirms* the following principles:

"(*a*) The sovereign equality of all Member States;

"(*b*) Non-interference in matters within the domestic jurisdiction of a State;

"(*c*) Respect for the sovereignty and the territorial integrity of every State and for its inalienable right to an independent existence, and the unqualified condemnation of political and subversive activities engaged in by neighbouring States or by any other State which are likely to infringe thereon;

---

[17] *Official Records of the General Assembly, Nineteenth Session, Annexes*, annex No. 2, document A/5757 and Add.1.

"(*d*) The liberation of all territories which are not yet independent;

"(*e*) The peaceful settlement of disputes through negotiation, conciliation or arbitration;

"2. *Invites* Member States faithfully to observe the above-mentioned principles in the conduct of their international relations."

15. After the conclusion of the general debate, the sponsors of the various draft resolutions on item 90 designated from among themselves a group to prepare a draft resolution which would be generally acceptable to the Sixth Committee. The result of the deliberations of that group was a draft resolution (A/C.6/L.585 and Add.1) sponsored by Argentina, Chile, Costa Rica, Czechoslovakia, Ecuador, Guatemala, India, Iraq, Jamaica, Mexico, Poland, Romania and the United Kingdom of Great Britain and Northern Ireland, later joined by Australia, Ceylon, Hungary and Saudi Arabia, and by Madagascar. This draft resolution, which dealt with both agenda item 90 and agenda item 94, provided in its operative parts that the General Assembly:

"A.

"...

"1. *Takes note* of the report of the 1964 Special Committee (document A/5746);

"2. *Expresses* its appreciation to the 1964 Special Committee for the valuable work it performed in Mexico City;

"3. *Decides* to reconstitute the Special Committee, in order to complete the consideration and enunciation of the seven principles set forth in General Assembly resolution 1815 (XVII), with the following membership: ...

"4. *Requests* the Special Committee:

"(*a*) To continue, in the light of the debates which took place in the Sixth Committee during the seventeenth, eighteenth and twentieth sessions of the General Assembly and of the report of the 1964 Special Committee, the consideration of the four principles set forth in operative paragraph 3 of General Assembly resolution 1815 (XVII), having full regard to matters on which the 1964 Special Committee was unable to reach agreement and to the measure of progress achieved on particular matters;

"(*b*) To consider the three principles set forth in operative paragraph 5 of General Assembly resolution 1966 (XVIII), with particular regard to:

"(i) The practice of the United Nations and of States respecting the application of the principles laid down in the Charter of the United Nations;

"(ii) The comments submitted by Governments on this subject in accordance with paragraph 6 of resolution 1966 (XVIII);

"(iii) The views and suggestions advanced by the representatives of Member States during the seventeenth, eighteenth and twentieth sessions of the General Assembly;

"(*c*) To submit a comprehensive report on the results of its study of the seven principles set forth in resolution 1815 (XVII) including its conclusions and recommendations, with a view to enabling the General Assembly to adopt a declaration containing an enunciation of these principles;

"5. *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;

"6. *Requests* the Special Committee to meet in ... as soon as possible and to report to the General Assembly at its twenty-first session;

"7. *Requests* the Secretary-General to co-operate with the Special Committee in its task and to provide all the services, documentation and other facilities necessary for its work:

"8. *Decides* to place an item entitled 'Consideration of the 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 twenty-first session."

"B.

"...

"*Requests* the Special Committee, as provided for under part A of this resolution, to take into consideration, in the course of its work and in drafting its report, the documents (A/5757 and Add.1) submitted to the General Assembly and the discussions at the twentieth session on the item mentioned in the first preambular paragraph of part B of this resolution."

16. Ghana submitted an oral amendment to draft resolution A/C.6/L.585 and Add.1 in accordance with which operative paragraph 3 in part A should read as follows:

"3. *Decides* to constitute a Special Committee, composed of the members of the 1964 Special Committee as indicated in documents A/5689 of 17 February 1964 and A/5727 of 26 August 1964, to which the four following countries would be added:

"[Two countries from Africa, one from Latin America and one from Asia.]"

The representative of Ghana explained that if his amendment was adopted, the four additional members of the Special Committee would be nominated by the Chairman of the Sixth Committee, and the names of the new members of the Special Committee would be inserted in the draft resolution.

17. Ghana also submitted a second oral amendment to draft resolution A/C.6/L.585 and Add.1, to insert the word "Geneva" in the blank space in the sixth operative paragraph of part A. This amendment was withdrawn by its original sponsor, but was reintroduced by Poland and Czechoslovakia, with the addition of the words "unless an invitation acceptable to the Special Committee is received from a Member State". New Zealand submitted an oral amendment to insert in the same place the words "at the Headquarters of the United Nations".

Discussion

I. Consideration of the report of the Special Committee (A/5746)

A. *General considerations on the principles and aims of the work*

18. Many representatives stressed the importance of the work on the principles of international law and friendly relations among States as a vital necessity in a world where technical progress, in particular in nuclear weapons, had reached a point that offered a choice between friendly relations and co-operation among States, or the destruction of mankind. It was of supreme urgency to strengthen international law when doing so was an essential for the peaceful coexistence of different economic and social systems and for the economic, social and cultural development of all men. During the last generation the world had been changing rapidly; the nature of international relations had been altered by the attainment of independence by many new States, who were seeking norms to guide them in international life and to protect them from its dangers, and by the increasing gap between conditions of life in the rich and the poor States. The law, in the view of several representatives, must remain in contact with the reality of men and the material conditions of life, and so must remain flexible and subject to development. Some spoke of a problem of maintaining faith in international law as a force regulating a changing world and guaranteeing an orderly advance into

the future. Some representatives stated that in recent years the idea that might makes right had spread, evidenced, in their view, by numerous violations of the fundamental principles of the United Nations Charter, and that those principles should be clarified in order to avoid violations and distorted interpretations in the future.

19. It was agreed that the Charter should serve as the basis for this work. Some representatives said that the purpose was to state the legal implications of the Charter, without distorting it or covertly seeking to revise it; a distinction should be drawn between those principles that had legal force and those that had only moral value. In their view, the work was confined to *lex lata*, to the exclusion of *lex ferenda*. Others pointed out that the Charter was a living constitution which had gained meaning through the interpretation of its provisions over twenty years, and that the starting point was a full exposition of the present legal aspects of the application of its principles. Another view was that the task was not confined to *lex lata*, but that under General Assembly resolutions 1815 (XVII) and 1966 (XVIII) a creative attitude could be taken toward the progressive development of the law. Other representatives, however, urged an attitude of caution and restraint, and said that not every desirable proposition about the conduct of States would be appropriate for inclusion in statements of legal principle.

B. *General comments on the work of the Special Committee*

20. Gratitude was expressed to the Government of Mexico for the generous hospitality it had extended to the Special Committee. Many representatives said that since the Special Committee at its session in Mexico had been able to reach a consensus only on some aspects of the principle of sovereign equality of States and to formulate a draft, which did not there receive a consensus, on the principle of prohibition of the threat or use of force, its results might seem disappointing; but the session had been valuable in throwing light on the points of agreement and the points of difference, and thus offered a starting point for future work.

21. In explanation of the limited results of the Special Committee some delegations referred to the extreme complexity of the issues before it, which made hasty decisions impossible and undesirable. Others said that the issues affected the vital interests of States, and that sometimes their immediate political interests in regard to various principles had increased the difficulties of agreement. Still others referred to the method of consensus adopted in the Drafting Committee of the Special Committee, under which agreement among States with no political or geographic link was naturally difficult to attain. On the one hand, the view was expressed that consensus was the natural method of work on principles of international law, as formulations could become part of the international legal order only if they received universal approval; on the other hand, it was urged that consensus had a proper role only if an effort was made, without pedantry or narrow concern for national interests, to bring about agreement on the basis of the new realities of international life, and that otherwise that procedure simply led to a unanimity rule and a virtual right of veto, which was not in harmony with the rules of procedure of the General Assembly. Other representatives referred to the composition of the Special Committee which, in their view, did not reflect the feelings of the majority of the General Assembly, and to the shortness of the time allowed for its session as factors limiting its success.

C. *Comments on the topics examined by the Special Committee*

(1) *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*

22. The Special Committee had been unable to arrive at any consensus on this principle at its session in Mexico, although it had come close to doing so, and had formulated a draft text on the subject (A/5746, paper No. I, section I). In the course of the debates of the Sixth

Committee, the representative of the member of the Special Committee which in Mexico had declared itself unable to accept the draft which all others had accepted stated that, on further consideration, his Government could now accept it. In so doing he emphasized his Government's understanding that the term "to violate" in paragraph 2 (*d*) did not encompass the lawful use of force, and that the lawful use of force to cross a frontier was not a violation of that frontier. He also expressed the view that it would be desirable for the paragraph expressly to mention not only national frontiers but also certain lines of demarcation. Another representative stated that his Government, although it did not find paragraph 2 (*a*) of the draft, relating to wars of aggression, fully satisfactory, accepted the draft consensus as it had in Mexico.

23. Several representatives made suggestions as to how the formulation accepted by most members of the Special Committee in Mexico, and now by the remaining member, could fully be taken account of by the Sixth Committee. Others, however, considered that the Special Committee, having submitted its report to the General Assembly, had no further legal existence, and that consequently no account could legally be taken of a draft which was not agreed to during the life of the Special Committee.

24. No representative in the Sixth Committee expressed disagreement with any point of substance in the draft text formulated by the Special Committee, and several spoke in support of the inclusion of various points covered by that text. Numerous representatives, however, considered that various additional points should have been agreed on.

25. A number of representatives spoke in favour of including within the meaning of "force" economic, political and other forms of pressure (some referred to ideological, cultural and psychological pressure) directed against the territorial integrity or political independence of another State, as in the modern world such actions might be quite as dangerous as the use of armed force. On the other hand, some representatives took the view that the various forms of pressure should not be included, either because there was a risk of giving rise to a right to use force in self-defence against them, or because it seemed difficult to draft a statement regarding pressure sufficiently clearly to avoid giving rise to further controversies. Some representatives stated that it had not been the intention of the Special Committee, in the execution of its task of formulating areas of agreement, to enumerate all the lawful uses of force.

26. A few representatives spoke of the desirability of prohibiting the use of force in armed reprisals or in retaliation. Such action was said to be distinct from action in self-defence, under which measures must be immediate, and proportionate to the seriousness of the attack.

27. Other points mentioned as desirable for inclusion in a text prohibiting the threat or use of force were a prohibition of war propaganda or of the advocacy of the threat or use of force in international relations; the responsibility of States and the penal liability of individuals for the perpetration of crimes against peace; the duty of States to seek agreement on general and complete disarmament; the outlawing of foreign military bases if unacceptable to the inhabitants of the countries where they are situated; and the duty of States not to recognize, or to consider as legally null and void, situations brought about through the unlawful threat or use of force. In regard to the last-mentioned suggestion, however, it was stated that many disputes could arise from retroactive application of non-recognition to situations that had become legal.

28. Some representatives thought it desirable that any text should deal with the exceptions to the prohibition of the use of force by States. Some considered that, as far as the United Nations was concerned, force could be legally used only on the basis of a decision of the Security Council, others included decisions of the General Assembly, and others referred to decisions of "a competent organ of the United Nations".

29. Some representatives interpreted the Charter to mean that the use of force upon the decision of a regional agency was lawful only when the Security Council had decided to use such an agency for enforcement action under the auspices of the Council, pursuant to Article 53. Another view was that the use of force was not a separate form of action, but must either be pursuant to a decision of the Security Council under Article 53 or in exercise of collective self-defence under Article 51. Other representatives considered there was greater scope for lawful action by regional agencies.

30. Representatives who spoke on the subject recognized the legitimacy of the use of force in the exercise of the right of individual or collective self-defence. Some stressed that under Article 51 of the Charter the right existed only in response to armed attack, and only before the Security Council had taken the steps necessary to maintain international peace and security. Others did not define the circumstances justifying the use of force in exercise of the inherent right of self-defence.

31. A number of representatives stressed the view that the use of force against colonial domination and in exercise of the right of self-determination was lawful. On the other hand, it was urged that while the Charter had nothing to say against the struggle for independence or secession, armed assistance from outside States to such movements was not permissible.

(2) *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*

32. A number of representatives pointed out that this principle, stated in paragraph 3 of Article 2 of the Charter, was the corollary of the prohibition of the threat or use of force, as disputes could not be left unsettled without their becoming a danger to peace. Others noted a link with the principle of sovereign equality, which should be fully observed in using any method of settlement, and with the principle of non-intervention. The most important factor in peaceful settlement was, in the view of some representatives, the desire of the parties to reconcile their differences.

33. It was agreed by most speakers that no priority should be given to any particular method of settlement, but that a free choice should be left to the parties to disputes, in the light of the nature of each dispute and of the surrounding circumstances. Some stated that negotiation, mediation and conciliation were methods which could be used to alter an existing legal situation, while the methods of arbitration and judicial settlement applied the law as it stood. Other representatives referred to the distinction between legal and political disputes, which would have consequences in regard to the choice of methods of settlement, and should be clarified.

34. Some representatives stated that direct negotiation, if carried on in good faith, in the spirit of sovereign equality and without pressure, was the most frequent and practical method of settlement available at present.

35. Other representatives thought that an appeal should be made to States for wider use of judicial settlement, in particular for wider acceptance of the compulsory jurisdiction of the International Court of Justice as soon as possible and with as few reservations as possible, and for the inclusion of clauses on arbitration and judicial settlement in treaties. On the other hand, it was contended that it was useless or undesirable to make such an appeal at present. Some declared that any attempt to impose the compulsory jurisdiction of the Court would be contrary to State sovereignty. Others stated that new States were reluctant to proceed to judicial settlement because of uncertainty as to the rules of international law, which would be removed only by further codification and progressive development; because some rules might be considered anachronistic or unjust; because knowledge of existing international law was not yet sufficiently widespread, or because the composition of the Court was in their view not representative of the present international community.

36. Some representatives wished to see a reference to the functions of United Nations organs, in particular the Security Council and the General Assembly, in the settlement of disputes.

37. Other representatives thought that special attention should be given to the role of regional agencies and arrangements in regard to this principle, and mentioned the activities of the Organization of African Unity, the Organization of American States, the League of Arab States and the Council of Europe regarding peaceful settlement.

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

38. Many representatives expressed regret that the Special Committee had been unable to reach an agreed formulation of this principle, which they considered an indispensable condition of friendly relations among States. In the view of several, violations of the principle by some States in recent years had made its formulation particularly urgent. A considerable number stressed the view that the principle was a logical inference from various provisions of the Charter, and was broader than the threat or use of force prohibited by Article 2, paragraph 4; among the other provisions mentioned as a basis for the principle were Article 1, paragraph 2; Article 2, paragraphs 1 and 7; and Article 78.

39. A number of representatives referred to article 15 of the Charter of the Organization of American States, [18] or to the declaration adopted by the Second Conference of Heads of State or Government of Non-Aligned Countries (see A/5763), held in Cairo in October 1964, as models which should be followed in drafting a statement of the principle.

40. Several representatives thought it urgent to define intervention, and suggested various definitions. In the view of some, all forms of pressure, including economic, political and diplomatic pressure, were illegal; an example mentioned by a representative was a threat to break off diplomatic relations with another State if that State recognized a third State. Others, however, considered that actions short of the threat or use of force were illegal only if they amounted to coercive measures. One representative stated that difficulties in defining this expression were not a valid objection to its use, since the law used many terms which were not capable of exact definition. One delegation stressed the need of a careful separation between, on the one hand, the principle of non-intervention, and, on the other, the prohibition of the threat or use of force, whose violation gave rise to a right to use force in individual or collective self-defence. Other representatives, however, referred to uses of force as forms of intervention, or considered that the dividing line between the two principles was scarcely more than a matter of organization.

41. Some representatives thought that a distinction should be drawn between legal and illegal forms of intervention. As examples of legal forms, mention was made of intervention authorized by a decision of a competent organ of the United Nations; intervention to restore the dignity of the human person, when made necessary by the non-observance or violation of human rights, or aimed at freeing populations still under foreign domination; and intervention in exercise of a right conferred by a treaty or upon a formal request for intervention by the Government of the State concerned. The principle of non-intervention, it was said by some, could not be invoked to support the maintenance of colonial regimes or to prevent action against attacks on human rights.

42. Numerous representatives cited various types of acts which in their view constituted illegal intervention. On the other hand, one representative said that no attempt should be made to draw up an exhaustive list; another said that only the most notorious forms should be given as examples; and another said that enumeration would be useful only in the context of a parallel development of international machinery for the peaceful settlement of disputes.

[18] United Nations, *Treaty Series*, vol. 119 (1952), No. 1609, p. 56.

43. Numerous representatives declared that activities against the political, economic and social system of a State or against its sovereignty or territorial integrity, and attempts to impose on a State a specific form of organization or government, constituted illegal intervention. Some denied the right of any State to undertake individual or collective intervention in order to prevent the spread of a particular ideology or social and economic system. Many representatives also stressed that assisting subversive activities, terrorism or seditious groups or inciting rebellion in another State were contrary to international law, as was assistance to forces having the purpose of incursions into other States.

(4) *The principle of the sovereign equality of States*

44. The fact that the Special Committee had been able to reach an agreed text as regards this principle (A/5746, para. 339) was generally welcomed by representatives in the Sixth Committee, as the agreed points were generally acceptable, and as principle was felt to be a key one which was the only possible legal foundation for friendly relations and co-operation among States. Some delegations, however. regretted that it had not been possible to agree on other aspects of the principle which they considered important, and one representative was disturbed by reservations and interpretations made by some States when accepting the agreed formulation.

45. Some representatives believed that there were limitations of the principle which should have been recognized. One representative said that the idea of sovereignty should be tempered by a recognition that all States were subject to international law. Another observed that the application of the principle of territorial integrity should be subject to a principle of reasonable and equitable sharing of natural resources, e.g. waters, which crossed borders, and to an exception in regard to harmful activities having effects in the territories or territorial waters of neighbouring States.

46. Other representatives thought that the agreed formulation did not go far enough. Among the points which some desired to see included were a statement that reasons of a political, social, economic, geographical or other nature could restrict the capacity of a State; the right of all States to join international organizations and become parties to multilateral treaties affecting their interests; the right of States to dispose freely of their natural wealth and resources; the right of States to demand the liquidation of any privileged positions in their territories, including the right to demand the withdrawal of foreign troops and military bases; a statement that territories still under colonial domination could not be considered integral parts of the territory of the colonial Power; a prohibition of the imposition of treaties by colonial Powers on dependent territories as a condition of their access to full sovereignty; and the right of States to follow domestic and foreign policies of their own choice, without interference.

(5) *Question of the methods of fact-finding*

47. The Special Committee was unable, for lack of time, to formulate conclusions on the question of methods of fact-finding. In the Sixth Committee, a small number of representatives spoke in favour of the establishment within the framework of the United Nations of a special permanent body for fact-finding. The majority, however, while convinced of the importance of fact-finding in connexion with the peaceful settlement of international disputes, considered that caution and restraint were needed at present in regard to the creation of any new institution; the Secretary-General should supplement his study on the subject (A/5694), a further opportunity should be afforded for written comments of Governments, and the question should be discussed again at the twenty-first session of the General Assembly before any decision was taken in the matter. Other observed that for the present what was needed was more effective utilization of methods and facilities now available for fact-finding, and that any new institution should not prejudice present patterns and procedures or encourage their evasion.

48. A number of representatives drew attention to the connexion which existed between fact-finding and agenda item 99, entitled "Peaceful settlement of disputes", which was discussed by the Special Political Committee at the twentieth session of the General Assembly. There was a division of opinion as to whether it would be desirable to refer the question of methods of fact-finding to a Special Committee created to continue the study of the principles of friendly relations.

II. Study of the three further principles of international law concerning friendly relations and co-operation among States

49. The General Assembly, in its resolution 1966 (XVIII) of 16 December 1963, decided in operative paragraph 5, quoted in paragraph 2 of this report, to study three additional principles in accordance with operative paragraphs 2 and 3 (*d*) of its resolution 1815 (XVII). The discussion of these principles is summarized hereafter.

A. *The duty of States to co-operate with one another in accordance with the Charter*

50. The provisions of the Charter mentioned by various representatives in connexion with this duty were the Preamble; Article 1, paragraphs 2 and 3; Article 11, paragraph 1; Article 13; Article 55 and Article 66. Some representatives expressed the view that the Charter gave some fairly clear indications as to the scope of the duty; it was remarked, however, that, as it was less easy than in the case of some other principles to decide whether a State was fulfilling its obligations, good faith and a spirit of tolerance and understanding were particularly important.

51. Some representatives observed that the duty was constant and universal, and extended to the whole range of common world problems, or to all aspects of life. It was remarked by one representative that international co-operation was required for the solution of more and more problems, and soon little would be left which was not of international concern. Co-operation should be active, and not merely passive. The Charter demanded not merely avoiding impeding the efforts of others but rather the taking of joint action toward the broad ends stated in Article 55. The interests of the whole world community should be kept in view; but some representatives considered that special attention should be paid to the economic and social development of the less developed countries, and to liquidating the vestiges of colonialism.

52. Co-operation should take place, in the view of some delegations, on the basis of absolute equality of States, without any discrimination on the ground of differences in economic and social systems, without any political or other conditions being placed upon assistance, and without any barriers, especially economic barriers, being allowed to persist against co-operation with particular States.

53. In connexion with economic co-operation, attention was drawn to the general and special principles adopted by the United Nations Conference on Trade and Development, and to the need to narrow the gap between the developed and the developing countries. The economic field, it was said, was specially important, and was the easiest in which to find the general aims of the duty to co-operate.

54. One representative spoke of the need to abolish all barriers in cultural matters. Co-operation in the field of education was important, and it was said that modern achievements in science and technology should not be the private domain of any State or group of States. Still less, one representative observed, should those achievements be used by those responsible for them to impose their will on those who did not yet share them.

55. Some representatives observed that one aspect of the duty of co-operation was the right of all States to be admitted to participation in general multilateral treaties, to international discussions of questions affecting their interests, and to international organizations. One representative declared that participation in the specialized agencies of the United

Nations was one index of compliance by States with their obligation to co-operate under Articles 55 and 56 of the Charter.

B. *The principle of equal rights and self-determination of peoples*

56. A number of representatives stated that this principle, which was mentioned in paragraph 2 of Article 1 and in Article 55 of the Charter, was an indispensable element of friendly relations. Some representatives considered that the principle was closely related to that of sovereign equality laid down in paragraph 1 of Article 2. Two representatives stressed the view that the self-determination of peoples was not a matter falling within paragraph 7 of Article 2.

57. As to the nature of the principle, several representatives declared that it was a binding rule of international law, as had been recognized in the Charter and in various decisions of the General Assembly, especially resolution 1514 (XV) containing the Declaration on the Granting of Independence to Colonial Countries and Peoples. One representative said that the question whether it was a legal or a moral principle should be studied in the course of further work on the principles of international law concerning friendly relations.

58. As to the scope of the principle, some representatives spoke of it in connexion with the elimination of colonialism, the right of colonial peoples to independence or to decide freely on their political status and institutions, their right to choose their own economic, social and cultural systems, and their right to dispose freely of their natural resources. One representative referred to his Government's view that administering Powers did not exercise full sovereignty over Non-Self-Governing Territories, but had a duty to help them to develop their own government. Others, while not disagreeing that the principle applied fully to Trust and Non-Self-Governing Territories within the scope of the Charter, stated that a colonial or administering Power could recognize a right of self-determination for the future. They also said that the principle had a broader application than such dependent territories, and did not end with the completion of decolonization and attainment of independence; only as a universal principle could its true meaning be established. Some representatives expressed the view that the principle protected newly independent States against interference in their internal affairs and protected their rights of sovereignty.

59. Several representatives felt that it would be difficult to define the "peoples" enjoying the right of self-determination; States in the international sense were clearly "peoples", but further study was required as to what other social groups should be included. It was replied that the problem had not given rise to difficulty or disorders in practice, and limitation of the principle would seriously diminish its content. One representative said that the future of a territory should be determined by majority decision of the people. Others, however, maintained that the principle offered no justification for neglect of the rights of minorities.

60. There was a difference of views as to whether the principle offered a basis for asserting a right of secession from a State. Several representatives said that was not the case, and one added that the principle could not apply to a territory which was the subject of a legal dispute between States. One representative suggested that where a State was composed of more than one community, actions by one of them might give rise, under new conditions, to a right of self-determination for the other.

61. A number of representatives maintained that peoples were entitled to use force in their assertion of the right to self-determination, in particular in self-defence against colonial repression or aggression. Others added that, on the other hand, colonial Powers had no right to use force against such movements, nor did other States have the right to come to the aid of colonial Powers.

C. *The principle that States shall fulfil in good faith the obligations assumed by them in accordance with the Charter*

62. Several representatives emphasized the cardinal importance of this principle under general international law, and also in connexion with the application of the United Nations

Charter, which laid down the principle in paragraph 2 of Article 2 and, in the opinion of some, in paragraph 3 of the Preamble.

63. Some representatives, in regard to the principle, stressed its importance as a necessary moral element in the conduct of peoples. Others spoke mainly of the legal obligations directly imposed by the Charter, and the obligations flowing from the operation of United Nations organs. Still others saw the principle as applying to treaty obligations in general, and the question was raised whether it also applied to obligations from rules of customary international law. Several delegations referred to the rule *pacta sunt servanda*, of which a restatement had been made by the International Law Commission in part III of its draft articles on the law of treaties.[19] One representative said that the principle required that States, in interpreting international instruments for themselves, should ascertain the common understanding and expectations of the parties. It was also said that the principle applied to moral obligations as well as legal ones, including the moral duty to assume legal obligations. One representative took the view that the implications of the principle were such that they could not be adequately clarified by general formulas.

64. Several representatives stressed that the only obligations covered by the principle were those which were freely entered into, and were compatible with the Charter and with general international law. The principle would not cover, for example, obligations sanctioning aggression, colonial domination or inequality among States, unequal treaties, treaties imposed by force or fraud, or treaties which had been lawfully terminated. One representative said that any termination of treaties on the basis of *rebus sic stantibus* could not be grounded on any change of circumstances which the government seeking to terminate had itself brought about.

65. One representative said that the codification and progressive development of this principle required a legal interpretation of Article 103 of the Charter.

III. Future work on the principles

66. There was general agreement that the work begun in Mexico and discussed by the Sixth Committee should be carried on by a Special Committee. Some representatives thought that the Special Committee established by General Assembly resolution 1966 (XVIII) should be asked to continue the work with its composition unchanged; a larger committee would, in their view, be cumbersome in its operations. A greater number of representatives, however, favoured an enlargement of the membership in order to correct what they felt was a lack of geographical balance, and an inadequate reflection of the trends prevailing in the General Assembly. Some thought that more newly independent States should be included in the Special Committee. Some representatives expressed the view that four States should be added to the membership of the 1964 Special Committee, and that two should be from Africa, one from Latin America and one from Asia. Others said that although they were reluctant to see any increase in the size of the Special Committee, they could in a spirit of compromise accept an increase of up to three members, but not of four.

67. It was generally agreed that the three principles in operative paragraph 5 of General Assembly resolution 1966 (XVIII) should be referred to the new Special Committee, and also the two principles relating to peaceful settlement of disputes and to non-intervention on which the 1964 Special Committee in Mexico had been unable even to approach an agreed formulation. Some representatives thought it undesirable to reopen discussion on the principle prohibiting the threat or use of force and the principle of sovereign equality, as in their view agreed texts on those principles already existed. Others, however, thought that work should continue on all seven principles, full regard being paid both to the matters on which the 1964 Special Committee had been unable to reach agreement and to the measure of progress achieved on particular matters.

---

[19] *Official Records of the General Assembly, Nineteenth Session, Supplement No. 9*, chap. II.

68. Some representatives urged that the procedure followed by the 1964 Special Committee, under which the Drafting Committee operated on the basis of consensus, should be followed in the new Special Committee; in their view this procedure would lead to the formulation of texts which were acceptable to the overwhelming majority of Members of the United Nations, and thus could become evidence of the practice of States and thus a source of international law. Others, however, thought that although the achievement of general agreement was highly desirable, the consensus procedure might in certain circumstances lead to regrettable results, and should, if necessary, be replaced by voting procedures which would not give rise to a right of veto and the possibility of its abuse. It was agreed that the new Special Committee would be entirely free to adopt whatever procedures it deemed most appropriate in carrying out its mandate, without being bound to follow the practice of the 1964 Special Committee.

69. There was some discussion as to whether the new Special Committee should be requested to embody its results in a draft declaration for later consideration and adoption by the General Assembly. A number of representatives stressed the importance which such a declaration would have in promoting friendly relations and co-operation among States. Others, however, while generally not opposed in principle to a declaration, said that it was premature to decide on the form in which the results should be submitted.

70. As for the place of meeting of the new Special Committee, some representatives, in the absence of any invitation from a Government, favoured United Nations Headquarters in New York, while others favoured the European Office of the United Nations in Geneva. In accordance with rule 154 of the rules of procedure of the General Assembly, the representative of the Secretary-General stated the financial implications of the proposed decisions. He said that if the Special Committee met in New York at a period in 1966 when its meetings could be scheduled within the total programme of conferences approved for that year, taking into account the capacity of the existing conference staff, no additional expenditures would arise. If the meetings were held in Geneva during the period February-March for a duration of seven weeks, additional expenditures in an estimated amount of $117,000 would be incurred, while a seven-week session in Geneva during the period March-April would involve estimated additional costs of $137,000. Should the Special Committee be invited by a Government to meet elsewhere, additional expenditure would arise which could not at present be estimated by the Secretary-General, but which would have to be met directly by the host Government, in accordance with General Assembly resolution 1202 (XII) and with the precedent set in the case of the earlier Special Committee's session in Mexico in 1964.

IV. Consideration of the item entitled "Observance by Member States of the principles relating to the sovereignty of States, their territorial integrity, non-interference in their domestic affairs, the peaceful settlement of disputes and the condemnation of subversive activities" (agenda item 94)

71. Some representatives supported the draft resolution submitted by Madagascar,[20] and considered that it should be adopted by the General Assembly at its current session. Other representatives said that the draft resolution should be examined in the context of the report of the Special Committee. Still others, however, took the view that the draft should be studied and taken into account by a Special Committee which would continue the work on the principles of friendly relations, rather than being decided on at the current session.

VOTING

72. At its 898th meeting on 17 December 1965, the Sixth Committee voted on the proposals and amendments before it. The results of the voting were as follows:

[20] *Official Records of the General Assembly, Nineteenth Session, Annexes*, annex No. 2, document A/5757 and Add.1.

(*a*) The Committee adopted, by 52 votes to 18, with 4 abstentions, the last part of the first oral amendment of Ghana to operative paragraph 3 of part A of draft resolution A/C.6/L.585 and Add.1, a part proposing the addition of four members (two from Africa, one from Latin America and one from Asia), to be nominated by the Chairman of the Sixth Committee, to the membership of the 1964 Special Committee.

(*b*) The Committee adopted, by 58 votes to none, with 16 abstentions, the first oral amendment of Ghana as a whole, which thus modified operative paragraph 3 of part A of draft resolution A/C.6/L.585 and Add.1 to provide that the new Special Committee should be composed of the members of the 1964 Special Committee with the addition of four members (two from Africa, one from Latin America and one from Asia) to be nominated by the Chairman of the Sixth Committee.

(*c*) The Committee rejected, by 31 votes to 16, with 24 abstentions, the second oral amendment of Ghana to operative paragraph 6 of part A of draft resolution A/C.6/L.585 and Add.1, as reintroduced and expanded by Czechoslovakia and Poland, which would have provided that the new Special Committee would meet "in Geneva unless an invitation acceptable to the Special Committee is received from a Member State."

(*d*) The Committee adopted without a vote the oral amendment of New Zealand to operative paragraph 6 of part A of draft resolution A/C.6/L.585 and Add.1, providing that the new Special Committee should meet "at the Headquarters of the United Nations."

(*e*) The Committee unanimously adopted draft resolution A/C.6/L.585 and Add.1, as amended, as a whole.

(*f*) The Committee adopted, by 59 votes to none, with 10 abstentions, draft resolution A/C.6/L.580 on the question of methods of fact-finding, as amended by the deletion of the fifth preambular paragraph, which had been withdrawn by the sponsor.

73. Following the decisions of the Committee, the Chairman, by communication to the Rapporteur, nominated Algeria, Chile, Kenya and Syria to the four additional seats on the Special Committee. In nominating the four countries, the Chairman felt bound to give effect to the leading candidacies which had emerged in the context of an expansion of the Special Committee by four members.

Recommendations of the Sixth Committee

74. 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 1404th plenary meeting, on 20 December 1965, the General Assembly adopted the draft resolutions submitted by the Sixth Committee (para. 74 above). For the final texts, see resolutions 2103 A and B (XX) and 2104 (XX) below.

2103 (XX). Consideration of principles of international law concerning friendly relations and co-operation among States in accordance with the Charter of the United Nations

A

The General Assembly,

Recalling its resolutions 1505 (XV) of 12 December 1960, 1686 (XVI) of 18 December 1961, 1815 (XVII) of 18 December 1962 and 1966 (XVIII) of 16 December 1963,

Recalling further that among the fundamental purposes of the United Nations are the maintenance of international peace and security and the development of friendly relations and co-operation among States,

Considering that the faithful observance of the principles of international law concerning friendly relations and co-operation among States in accordance with the Charter of the United Nations is of paramount importance for the maintenance of international peace and security and the improvement of the international situation,

Considering further that the progressive development and codification of these principles, so as to secure their more effective application, would promote the realization of the purposes of the United Nations,

Bearing in mind that the Second Conference of Heads of State or Government of Non-Aligned Countries, which met at Cairo in 1964, recommended to the General Assembly of the United Nations the adoption of a declaration on these principles as an important step towards their codification,

Being convinced of the significance of continuing the effort to achieve general agreement at every stage of the process of the elaboration of the seven principles of international law set forth in General Assembly resolution 1815 (XVII), without prejudice to the applicability of the rules of procedure of the Assembly, and with a view to the early adoption of a declaration which would constitute a landmark in the progressive development and codification of these principles,

Having considered the report of the Special Committee on Principles of International Law concerning Friendly Relations and Co-operation among States,[21] established by General Assembly resolution 1966 (XVIII), which met in Mexico City from 27 August to 2 October 1964,

Having also considered, pursuant to paragraph 5 of General Assembly resolution 1966 (XVIII), the principle of the duty of States to co-operate with one another in accordance with the Charter of the United Nations, the principle of equal rights and self-determination of peoples and the principle that States shall fulfil in good faith the obligations assumed by them in accordance with the Charter,

1. *Takes note* of the report of the Special Committee on Principles of International Law concerning Friendly Relations and Co-operation among States;

2. *Expresses its appreciation* to the Special Committee for the valuable work it performed in Mexico City;

---

[21] *Official Records of the General Assembly, Twentieth Session*, agenda items 90 and 94, document A/5746.

3. *Decides* to reconstitute the Special Committee, which will be composed of the members of the Committee established under General Assembly resolution (1966 XVIII)[22] and of Algeria, Chile, Kenya and Syria, in order to complete the consideration and elaboration of the seven principles set forth in Assembly resolution 1815 (XVII);

4. *Requests* the Special Committee:

(*a*) To continue, in the light of the debates which took place in the Sixth Committee during the seventeenth, eighteenth and twentieth sessions of the General Assembly and of the report of the previous Special Committee, the consideration of the four principles set forth in paragraph 3 of Assembly resolution 1815 (XVII), having full regard to matters on which the previous Special Committee was unable to reach agreement and to the measure of progress achieved on particular matters;

(*b*) To consider the three principles set forth in paragraph 5 of General Assembly resolution 1966 (XVIII), with particular regard to:

(i) The practice of the United Nations and of States respecting the application of the principles laid down in the Charter of the United Nations;

(ii) The comments submitted by Governments on this subject in accordance with paragraph 6 of resolution 1966 (XVIII);

(iii) The views and suggestions advanced by the representatives of Member States during the seventeenth, eighteenth and twentieth sessions of the General Assembly;

(*c*) To submit a comprehensive report on the results of its study of the seven principles set forth in resolution 1815 (XVII), including its conclusions and recommendations, with a view to enabling the General Assembly to adopt a declaration containing an enunciation of these principles;

5. *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;

6. *Requests* the Special Committee to meet at United Nations Headquarters as soon as possible and to report to the General Assembly at its twenty-first session;

7. *Requests* the Secretary-General to co-operate with the Special Committee in its task and to provide all the services, documentation and other facilities necessary for its work;

8. *Decides* to include 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" in the provisional agenda of its twenty-first session.

1404th plenary meeting
20 December 1965

B

The General Assembly,

Having considered the item entitled "Observance by Member States of the principles relating to the sovereignty of States, their territorial integrity, non-interference in their domestic affairs, the peaceful settlement of disputes and the condemnation of subversive activities",

Bearing in mind the close connexion between this item and 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",

Requests the Special Committee on Principles of International Law concerning Friendly Relations and Co-operation among States, reconstituted under paragraph 3 of resolution A

[22] See A/5689 and A/5727.

above, to take into consideration, in the course of its work and in drafting its report, the request for the inclusion in the agenda of the item mentioned in the first preambular paragraph above [23] and the discussion of that item at the twentieth session of the General Assembly.

1404th plenary meeting
20 December 1965

2104 (XX). Question of methods of fact-finding

The General Assembly,

Recalling its resolution 1967 (XVIII) of 16 December 1963 on methods of fact-finding,

Noting with appreciation the report of the Secretary-General on this question, [24]

Noting the comments submitted by Governments pursuant to paragraph 1 of resolution 1967 (XVIII) and the views expressed during its twentieth session,

Noting chapter VII of the report of the Special Committee on Principles of International Law concerning Friendly Relations and Co-operation among States, [25] established under General Assembly resolution 1966 (XVIII) of 16 December 1963,

Believing that the question of methods of fact-finding requires further study and that the materials resulting from such further study would also be of value for any further consideration of the item entitled "Peaceful settlement of disputes",

1. *Requests* the Secretary-General to supplement his study on the relevant aspects of the problem so as to cover the main trends and characteristics of international inquiry, as envisaged in some treaties as a means of ensuring their execution, and to report to the General Assembly at its twenty-first session;

2. *Invites* Member States to submit in writing to the Secretary-General, before July 1966, any views or further views they may have on this subject in the light of the reports of the Secretary-General and the relevant chapter of the report of the Special Committee on Principles of International Law concerning Friendly Relations and Co-operation among States, and requests the Secretary-General to transmit these comments to Member States before the beginning of the twenty-first session of the General Assembly.

1404th plenary meeting
20 December 1965

---

9. CONSIDERATION OF STEPS TO BE TAKEN FOR PROGRESSIVE DEVELOPMENT IN THE FIELD OF PRIVATE INTERNATIONAL LAW WITH A PARTICULAR VIEW TO PROMOTING INTERNATIONAL TRADE (AGENDA ITEM 92)

Resolution [2102 (XX)] adopted by the General Assembly

2102 (XX). Consideration of steps to be taken for progressive development in the field of private international law with a particular view to promoting international trade

The General Assembly,

Recalling that it is one of the purposes of the United Nations to be a centre for harmonizing the actions of nations in the attainment of such common ends as the achievement of international co-operation in solving, *inter alia*, international economic problems,

---

[23] *Official Records of the General Assembly, Nineteenth Session, Annexes*, annex No. 2, documents A/5757 and Add.1.

[24] *Ibid., Twentieth Session, Annexes*, agenda items 90 and 94, document A/5694.

[25] *Ibid.*, document A/5746.

Mindful of its responsibilities under Article 13 of the Charter of the United Nations,

Considering that conflicts and divergencies arising from the laws of different States in matters relating to international trade constitute an obstacle to the development of world trade,

Believing that the interests of all peoples, and particularly those of developing countries, demand the betterment of conditions favouring the extensive development of international trade,

Recognizing the efforts made by the United Nations and the specialized agencies, and by inter-governmental a nd non-governmental organizations, towards the progressive unification and harmonization of the law of international trade by promoting the adoption of international trade by promoting the adoption of international conventions, uniform or model legislation, standard contract provisions, general conditions of sale, standard trade terms and other measures,

Convinced that it is desirable to further co-operation among the agencies active in this field and to explore the need for other measures for the progressive unification and harmonization of the law of international trade,

Taking note of the preliminary study prepared by the Secretariat on this subject (A/C.6/L.572),

1. *Requests* the Secretary-General to submit to the General Assembly at its twenty-first session a comprehensive report including:

(*a*) A survey of the work in the field of unification and harmonization of the law of international trade;

(*b*) An analysis of the methods and approaches suitable for the unification and harmonization of the various topics, including the question whether particular topics are suitable for regional, inter-regional or world-wide action;

(*c*) Consideration of the United Nations organs and other agencies which might be given responsibilities with a view to furthering co-operation in the development of the law of international trade and to promoting its progressive unification and harmonization;

2. *Decides* to include in the provisional agenda of its twenty-first session an item entitled "Progressive development of the law of international trade".

1404th plenary meeting
20 December 1965

---

10. AMENDMENTS TO THE RULES OF PROCEDURE OF THE GENERAL ASSEMBLY CONSEQUENT UPON THE ENTRY INTO FORCE OF THE AMENDMENTS TO ARTICLES 23, 27 AND 61 OF THE CHARTER OF THE UNITED NATIONS (AGENDA ITEM 103)

(*a*) Report of the Sixth Committee [26]

[*Original text: English and Spanish*]
[*3 December 1965*]

INTRODUCTION

1. On 14 September 1965, the Secretary-General requested, under rule 15 of the rules of procedure of the General Assembly, the inclusion in the agenda of the twentieth session of

[26] Document A/6132, reproduced from *Official Records of the General Assembly, Twentieth Session, Annexes*, agenda item 103.

an item entitled "Amendments to the rules of procedure of the General Assembly consequent upon the entry into force of the amendments to Articles 23, 27 and 61 of the Charter of the United Nations" (A/5973).

2. In the explanatory memorandum accompanying the foregoing request, the Secretary-General referred to resolutions 1991 A and B (XVIII) of 17 December 1963, whereby the Assembly had decided, in accordance with Article 108 of the Charter of the United Nations, to adopt and to submit for ratification by the States Members of the United Nations amendments to Articles 23, 27 and 61 of the Charter. He also recalled that these amendments had come into effect on 31 August 1965.

3. The Secretary-General pointed out that, as the amended text of Article 23 of the Charter increased from six to ten the number of non-permanent members of the Security Council, rule 143 of the rules of procedure of the General Assembly should be amended to provide that the Assembly should each year, in the course of its regular session, elect five non-permanent members of the Security Council for a term of two years. As a consequence of the increase in membership provided for in the amendment to Article 23 of the Charter, the amended text of Article 27, relating to voting in the Security Council, provided for the substitution of the word "nine" for the word "seven" in that Article. Rule 8 (*b*) of the rules of procedure of the General Assembly should therefore be amended to substitute the word "nine" for the word "seven".

4. The Secretary-General's explanatory memorandum also indicated that, as the amended text of Article 61 of the Charter increased from eighteen to twenty-seven the members of the Economic and Social Council, rule 146 of the rules of procedure should be amended to provide that the Assembly should each year, in the course of its regular session, elect nine members of the Economic and Social Council for a term of three years.

5. Finally, the Secretary-General suggested that the foregoing amendments should take effect as from 1 January 1966, the date on which the terms of office of the members of the enlarged Councils elected during the twentieth session would begin, in accordance with rule 140 of the General Assembly's rules of procedure.

6. At its 1336th plenary meeting, on 24 September 1965, the General Assembly decided to include the item in its agenda, and allocated it to the Sixth Committee. The Sixth Committee considered the item at its 873rd meeting, on 10 November, and at its 878th and 879th meetings, on 18 and 19 November.

Proposals

7. The Secretary-General's note and explanatory memorandum requesting the inclusion of the item on the agenda was accompanied, in accordance with rule 20 of the rules of procedure, by a draft resolution. By the operative paragraph of this draft resolution, the General Assembly would decide, with effect from 1 January 1966, to amend rules 8 (*b*), 143 and 146 of its rules of procedure as follows: (*a*) in rule 8 (*b*) the word "seven" would be replaced by the word "nine"; (*b*) in rule 143 the word "three" would be replaced by the word "five"; and (*c*) in rule 146 the word "six" would be replaced by the word "nine".

8. At the 878th meeting of the Sixth Committee, on 18 November 1965 the representative of Peru presented the draft resolution, in the name of his delegation, in the form of three separate draft resolutions, draft resolution A dealing with rule 8 (*b*), draft resolution B with rule 143 and draft resolution C with rule 146. The text of these three draft resolutions (A/C.6/L.573) was introduced in the Sixth Committee at its 879th meeting, on 19 November, and is identical with the recommendations of the Sixth Committee contained in paragraph 21 of the present report.

9. A number of delegations were of the view that the item under discussion should not give rise to a protracted debate. The proposed amendments to the rules of procedure were a direct consequence of the entry into force of the amendments to Articles 23, 27 and 61 of the Charter. These amendments were contained in a prior decision of the General Assembly set out in resolutions 1991 A and B (XVIII) of 17 December 1963 with which the Committee had to comply. The Committee was bound to give effect to the Charter amendments. If the rules of procedure were not amended, they would be at variance with the Charter and the latter would prevail.

10. Apart from general remarks of the foregoing character, discussion on the substance of the item centred around the effective date for the entry into force of the proposed amendments to the rules of procedure, and the substantive provisions of rule 8 (*b*) which relate to the convening of emergency special sessions of the General Assembly under the procedure laid down in General Assembly resolution 377 (V) of 3 November 1950 entitled "Uniting for peace".

Effective date of the amendments to the rules of procedure

11. One delegation requested a clarification as to why the Secretary-General had proposed that the amendments to the rules of procedure should become effective only on 1 January 1966, and not immediately upon the adoption of the resolution amending the rules, particularly as far as rules 143 and 146 were concerned, since elections of members of the Security Council and of the Economic and Social Council would be held at the current session of the Assembly.

12. The representative of the Secretary-General explained that, in this respect, a distinction could be made between rule 8 (*b*) and rules 143 and 146. The enlarged Security Council would begin to function from 1 January 1966, and the change in the majority required in the Council for the adoption of decisions would therefore be applied only as from that date. If rule 8 (*b*) were amended immediately, there would be a discrepancy between that rule, as amended, and the practice which would be followed in the Council up to 1 January 1966 with respect to the majority required to adopt decisions. It had, therefore, been proposed that the amendment to rule 8 (*b*) should become effective on that date and not before. As regards rules 143 and 146, they would not be applied in practice until elections to the Security Council and to the Economic and Social Council were held in 1966 at the twenty-first session of the General Assembly. The present year was a transitional one, when the Charter amendments were first given effect. Both the seats of retiring members and all the new seats on these Councils would be filled at one and the same time, and it would thus be necessary in 1965 to elect more than five members of the Security Council and more than nine members of the Economic and Social Council. The elections at the twentieth session would therefore proceed directly on the basis of the Charter, as amended, and not of the rules of procedure.

13. A few delegations expressed the view that it might be desirable to adopt provisional rules of procedure to cover the situation arising at the twentieth session with respect to the elections to the Security Council and to the Economic and Social Council. One delegation observed that the elections at the twentieth session would proceed, so far as the filling of seats of retiring members was concerned, on the basis of rules 143 and 146 in their present form, and so far as filling new seats were concerned, directly on the basis of the Charter as amended, there being a vacuum in the rules in this latter respect.

14. A number of other delegations thought that it was unnecessary to adopt provisional rules for the elections at the twentieth session. Those elections would proceed directly on the basis of the Charter, as amended, which prevailed over provisions in the rules of procedure in the event of conflict. It was undesirable to adopt rules which were not of a permanent nature or to legislate for a situation which was already covered in General Assembly

resolutions 1991 A and B (XVIII) and the text of the Charter, as amended. It would be sufficient if it were recorded in the report of the Sixth Committee or in a preambular paragraph to the resolution that it was generally agreed that the elections should proceed on the basis of the Charter, as amended.

15. The representative of Peru, in introducing the text of the three revised draft resolutions (A/C.6/L.573) at the 879th meeting, stated that, although he did not consider this necessary, he had added a new preambular paragraph to draft resolutions B and C to accommodate the views expressed in the Committee with respect to the elections at the twentieth session to the Security Council and to the Economic and Social Council.

Rule 8 (b) *of the rules of procedure of the General Assembly*

16. In explanation of vote, some delegations, while expressing their support for draft resolutions B and C, said they would vote, or had voted, against draft resolution A for reasons of principle, since the amendment it proposed related to rule 8 (*b*) of the rules of procedure. That rule was based on General Assembly resolution 377 (V) which, in their opinion, was unconstitutional and illegal. Resolution 377 (V) had sought to undermine the very foundations of the United Nations by bypassing the Security Council and by conferring on the Assembly powers reserved by the Charter for the Security Council, which was the sole organ authorized to take measures for the maintenance and restoration of international peace and security. Resolution 377 (V) was contrary to Articles 24, 39 and 51 of the Charter.

17. One delegation announced that it would abstain in the vote on draft resolution A. While only a minor procedural change was proposed in that draft resolution, the rule involved, namely rule 8 (*b*), defined the procedure for convening emergency special sessions of the General Assembly pursuant to resolution 377 (V). That resolution, in the opinion of this delegation, had the effect of introducing modifications into the provisions of the Charter concerning the division of functions between the General Assembly and the Security Council. Such modifications could only be made by the amendment procedures specified in the Charter itself.

18. A number of other delegations stated that, since the substance of rule 8 (*b*) had been raised, they were obliged to put on record their own views regarding the constitutionality of resolution 377 (V) and its continued applicability. Resolution 377 (V) provided that if the Security Council, because of lack of unanimity of the permanent members, failed to exercise its primary responsibility for the maintenance of international peace and security in any case when there appeared to be a threat to the peace, breach of the peace, or act of aggression, the General Assembly should consider the matter immediately with a view to making appropriate recommendations to Member States for collective measures. On the one hand, no one denied that only the Security Council could adopt enforcement measures binding on Member States. On the other hand, there were few Member States which considered that, when the Security Council failed to perform its functions, the Organization was thereby relieved of its responsibilities for the maintenance of international peace and security. It had been precisely to help the United Nations perform its duties that the procedure provided for in resolution 377 (V) had been instituted. That procedure had received substantial support in the Special Committee on Peace-keeping Operations. In its Advisory Opinion on certain expenses of the United Nations,[27] the International Court of Justice had recognized that the General Assembly had the power to recommend, but not to impose, certain peace-keeping measures. The constitutionality of resolution 377 (V) was therefore indisputable.

19. It was also said that to deprive the General Assembly of its peace-keeping responsibilities, as those States opposed to resolution 377 (V) sought to do, would be unconstitutional. The maintenance of peace was not the exclusive prerogative of the great Powers

[27] *Certain expenses of the United Nations (Article 17, paragraph 2, of the Charter), Advisory Opinion of 20 July 1962 : I.C.J. Reports 1962, p. 151.*

seated in the Security Council and the Charter could not be interpreted in that sense without doing violence to it. Maintenance of the exclusive competence of the Security Council in the field of peace and security was contrary to the sovereign equality of all States Members of the Organization. In any event, the issue before the Committee was a minor procedural change in rule 8 (*b*) and not the substance of that rule. As to substance, the rule remained valid until it was expressly declared by the General Assembly to be null and void. As to its procedural aspects, the rule must be brought into line with the text of the Charter, as amended.

VOTING

20. At its 879th meeting, on 19 November 1965, the Sixth Committe voted on the draft resolutions submitted by Peru (A/C.6/L.573).

Draft resolution A was adopted by 68 votes to 8, with 2 abstentions.

Draft resolutions B and C were adopted unanimously.

Recommendations of the Sixth Committee

21. 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 "Resolutions adopted by the General Assembly" below.*]

(*b*) Resolutions adopted by the General Assembly

At its 1391st plenary meeting, on 8 December 1965, the General Assembly adopted draft resolutions A, B and C submitted by the Sixth Committee (para. 21 above). For the final texts, see resolutions 2046 A, B and C (XX) below.

2046 (XX). Amendments to the rules of procedure of the General Assembly consequent upon the entry into force of the amendments to Articles 23, 27 and 61 of the Charter of the United Nations

A

The General Assembly,

Noting that the amendments to Article 27 of the Charter of the United Nations, adopted by the General Assembly in its resolution 1991 A (XVIII) of 17 December 1963, came into force on 31 August 1965,

Bearing in mind that, in accordance with rule 140 of the General Assembly's rules of procedure, the terms of office of the non-permanent members of the Security Council elected during the twentieth session, including all the additional members, will begin on 1 January 1966,

Decides, with effect from 1 January 1966, to amend rule 8 (*b*) of its rules of procedure by replacing the word "seven" by the word "nine".

1391st plenary meeting
8 December 1965

B

The General Assembly,

Noting that the amendments to Article 23 of the Charter of the United Nations, adopted by the General Assembly in its resolutions 1991 A (XVIII) of 17 December 1963, came into force on 31 August 1965,

Bearing in mind that in the election of non-permanent members of the Security Council at the twentieth session of the General Assembly effect must be given to the increase in the membership of the Council and to the transitional provisions regarding terms of office provided in Article 23 of the Charter as amended, and that rule 143 of the rules of procedure of the Assembly, as amended by the present resolution, will apply for the first time at the election to be held at the twenty-first session,

Decides, with effect from 1 January 1966, to amend rule 143 of its rules of procedure by replacing the word "three" by the word "five".

1391st plenary meeting
8 December 1965

C

The General Assembly,

Noting that the amendments to Article 61 of the Charter of the United Nations, adopted by the General Assembly in its resolution 1991 B (XVIII) of 17 December 1963, came into force on 31 August 1965,

Bearing in mind that in the election of members of the Economic and Social Council at the twentieth session of the General Assembly effect must be given to the increase in the membership of the Council and to the transitional provisions regarding terms of office provided in Article 61 of the Charter as amended, and that rule 146 of the rules of procedure of the Assembly, as amended by the present resolution, will apply for the first time at the election to be held at the twenty-first session,

Decides, with effect from 1 January 1966, to amend rule 146 of its rules of procedure by replacing the word "six" by the word "nine".

1391st plenary meeting
8 December 1965

---

11. AMENDMENT TO ARTICLE 109 OF THE CHARTER OF THE UNITED NATIONS (AGENDA ITEM 104)

(*a*) Report of the Sixth Committee[28]

[*Original text: English and Spanish*]
[*17 December 1965*]

INTRODUCTION

1. On 16 September 1965, the Secretary-General requested, under rule 15 of the rules of procedure of the General Assembly, the inclusion in the agenda of the twentieth session of an item entitled "Amendment to Article 109 of the Charter of the United Nations" (A/5974).

2. In the explanatory memorandum accompanying the foregoing request, the Secretary-General referred to resolution 1991 A (XVIII) of 17 December 1963, whereby the Assembly adopted amendments to Articles 23 and 27 of the Charter, increasing the number of members of the Security Council from eleven to fifteen and changing the majority votes required for decisions of the Security Council from seven to nine. He also recalled that these amendments had come into effect on 31 August 1965.

[28] Document A/6180, reproduced from *Official Records of the General Assembly, Twentieth Session, Annexes*, agenda item 104.

3. The Secretary-General then drew attention to the existing text of Article 109 of the Charter, paragraphs 1 and 3 of which read as follows:

"1. A General Conference of the Members of the United Nations for the purpose of reviewing the present Charter may be held at a date and place to be fixed by a two-thirds vote of the Members of the General Assembly and by a vote of any seven members of the Security Council. Each Member of the United Nations shall have one vote on the conference.

"...

"3. If such a conference has not been held before the tenth annual session of the General Assembly following the coming into force of the present Charter, the proposal to call such a conference shall be placed on the agenda of that session of the General Assembly, and the conference shall be held if so decided by a majority vote of the Members of the General Assembly and by a vote of any seven members of the Security Council."

4. The Secretary-General pointed out that a discrepancy exists between the amended text of Articles 23 and 27 of the Charter and the present text of Article 109. An amendment to the latter was called for, consequential to amendments already approved, in that the word "nine" should be substituted for the word "seven" in paragraph 1 of Article 109, with reference to the required majority in the Security Council.

5. As regards paragraph 3 of Article 109, the Secretary-General recalled that its provisions had already been complied with. The proposal to call a conference for the purpose of reviewing the Charter had been placed on the agenda of the tenth regular session of the General Assembly and resolution 992 (X) was adopted on 3 November 1955, a decision in which the Security Council concurred on 16 December 1955.[29] The Secretary-General suggested that paragraph 3 of Article 109 could therefore be considered as obsolete and might be deleted. The alternative solution to replace, by an amendment to the Charter, the word "seven" by the word "nine" in the existing paragraph 3 of Article 109 would serve no practical purpose and its technical and legal correctness could be questioned.

6. The General Committee proposed (A/5988) that the item be included in the agenda, and be allocated to the plenary. This recommendation was considered by the General Assembly at its 1336th plenary meeting, on 24 September 1965. At that meeting, one representative suggested that it would be desirable to request the Sixth Committee of the Assembly, whose assistance had been invoked in the past in the solution of constitutional and other legal questions, to review the legal situation with respect to Article 109 of the Charter and to advise the Assembly on the steps to be taken. He therefore proposed that the item be allocated to the Sixth Committee, and the General Assembly so decided.

7. The Sixth Committee considered the item at its 897th meeting, on 14 December 1965.

PROPOSALS

8. The Secretary-General's note and explanatory memorandum requesting the inclusion of the item on the agenda was accompanied, in accordance with rule 20 of the rules of procedure, by a draft resolution, the operative paragraphs of which stated that the General Assembly:

"1. *Decides* to adopt, in accordance with Article 108 of the Charter of the United Nations, the following amendments to the Charter and to submit them for ratification by the States Members of the United Nations;

[29] *Official Records of the Security Council, Tenth Year*, 707th meeting, para. 171.

"(*a*) In article 109, paragraph 1, the word 'seven' in the first sentence shall be replaced by the word 'nine';

"(*b*) Paragraph 3 of Article 109 shall be deleted;

"2. *Calls upon* all Member States to ratify the above amendments, in accordance with their respective constitutional processes by...".

9. At the 897th meeting of the Sixth Committee, on 14 December, the representative of the Secretary-General stated that, since the above draft resolution had been put forward, the Secretary-General had formed the conclusion that, for historical reasons at least, paragraph 3 of Article 109 should not be deleted, and, therefore, reference to such deletion should be omitted from the draft.

10. Also at the 897th meeting, the representative of Greece presented the draft resolution, in the name of his delegation, omitting reference to the deletion of paragraph 3 of Article 109, making the consequential editorial changes and completing operative paragraph 2 to call upon Member States to ratify the amendment to paragraph 1 of Article 109 "at the earliest possible date". The text of this draft resolution (A/C.6/L.584) is identical with the recommendations of the Sixth Committee contained in paragraph 15 of the present report.

Debate

11. There was general agreement in the Sixth Committee regarding the need to amend paragraph 1 of Article 109, to conform with the amended texts of Articles 23 and 27 of the Charter. Some observations were made regarding paragraph 3 of Article 109. The representatives who spoke on that point expressed the view that paragraph 3 of Article 109 had already been acted upon at the tenth session of the General Assembly and was, in that sense, no longer operative. One representative stated that, apart from historical reasons, a practical purpose might be served by retaining paragraph 3 in its present form, as the decision to convene a conference for the purpose of reviewing the Charter at the tenth session had not yet been fully implemented. To delete paragraph 3 might give rise to the question whether that decision remained in effect. Some delegations expressed the view that any conference convened to review the Charter in the future should be convened only under paragraph 1 of Article 109.

12. The representative of the Secretary-General, in proposing, as explained in paragraph 9 above, that paragraph 3 be maintained for historical reasons, suggested that the Secretary-General should be authorized, in future editions of the text of the Charter, to include an editorial preface which would set out the history of the Charter amendments, and which would explain the apparent anomaly that would exist between paragraph 1 of Article 109, as amended, and paragraph 3 of Article 109, as unamended, by reference to the decision taken at the tenth session of the General Assembly under paragraph 3 of Article 109 (see paragraph 5 above). The Committee accepted that suggestion on the understanding that such a preface would be of a purely editorial nature and would not be presented in a manner implying that it formed a part of the text of the Charter.

13. The representatives of Czechoslovakia and the Union of Soviet Socialist Republics referred to the ratification of any amendment which might be adopted to Article 109 of the Charter. They expressed the view that, under Article 108 of the Charter, it would be necessary, for the amendment to enter into force, for it to be ratified by two-thirds of the Members of the United Nations including the five permanent members of the Security Council, among whom they mentioned the People's Republic of China. The representative of China recalled, in that connexion, that amendments to Articles 23, 27 and 61 of the Charter had already, as recognized by all Members of the United Nations, entered into force, in accordance with Article 108, without any purported ratification by the régime mentioned by certain other delegations. He stated that Article 108 included, among the necessary requirements, rati-

fication of any amendment by the five permanent members of the Security Council, among whom was included the Republic of China.

VOTING

14. At its 897th meeting, on 14 December, the Sixth Committee adopted unanimously the draft resolution submitted by Greece (A/C.6/L.584).

Recommendation of the Sixth Committee

15. The Sixth Committee therefore recommends to the General Assembly the adoption of 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 1404th meeting, on 20 December 1965, the General Assembly adopted the draft resolution submitted by the Sixth Committee (para. 15 above). For the final text, see resolution 2101 (XX) below.

2101 (XX). Amendment to Article 109 of the Charter of the United Nations

The General Assembly,

Considering that the Charter of the United Nations has been amended to provide that the membership of the Security Council, as provided in Article 23, should be increased from eleven to fifteen and that decisions of the Security Council should be taken, as provided in Article 27, by an affirmative vote of nine members instead of seven,

Considering that these amendments make it necessary also to amend Article 109 of the Charter,

1. *Decides* to adopt, in accordance with Article 108 of the Charter of the United Nations the following amendment to the Charter and to submit it for ratification by the States Members of the United Nations:

"In Article 109, paragraph 1, the word 'seven' in the first sentence shall be replaced by the word 'nine' ";

2. *Calls upon* all Member States to ratify the above amendment, in accordance with their respective constitutional processes, at the earliest possible date.

1404th plenary meeting
20 December 1965

---

12. THE INADMISSIBILITY OF INTERVENTION IN THE DOMESTIC AFFAIRS OF STATES AND THE PROTECTION OF THEIR INDEPENDENCE AND SOVEREIGNTY (AGENDA ITEM 107)

Resolution [2131 (XX)] adopted by the General Assembly

2131 (XX). Declaration on the Inadmissibility of Intervention in the Domestic Affairs of States and the Protection of Their Independence and Sovereignty

The General Assembly,

Deeply concerned at the gravity of the international situation and the increasing threat to universal peace due to armed intervention and other direct or indirect forms of interference threatening the sovereign personality and the political independence of States,

Considering that the United Nations, in accordance with their aim to eliminate war, threats to the peace and acts of aggression, created an Organization, based on the sovereign equality of States, whose friendly relations would be based on respect for the principle of equal rights and self-determination of peoples and on the obligation of its Members to refrain from the threat or use of force against the territorial integrity or political independence of any State,

Recognizing that, in fulfilment of the principle of self-determination, the General Assembly, in the Declaration on the Granting of Independence to Colonial Countries and Peoples contained in resolution 1514 (XV) of 14 December 1960, stated its conviction that all peoples have an inalienable right to complete freedom, the exercise of their sovereignty and the integrity of their national territory, and that, by virtue of that right, they freely determine their political status and freely pursue their economic, social and cultural development,

Recalling that in the Universal Declaration of Human Rights the General Assembly proclaimed that recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world, without distinction of any kind,

Reaffirming the principle of non-intervention, proclaimed in the charters of the Organization of American States, the League of Arab States and the Organization of African Unity and affirmed at the conferences held at Montevideo, Buenos Aires, Chapultepec and Bogotá, as well as in the decisions of the Asian-African Conference at Bandung, the First Conference of Heads of State or Government of Non-Aligned Countries at Belgrade, in the Programme for Peace and International Co-operation adopted at the end of the Second Conference of Heads of State or Government of Non-Aligned Countries at Cairo, and in the declaration on subversion adopted at Accra by the Heads of State and Government of the African States,

Recognizing that full observance of the principle of the non-intervention of States in the internal and external affairs of other States is essential to the fulfilment of the purposes and principles of the United Nations,

Considering that armed intervention is synonymous with aggression and, as such, is contrary to the basic principles on which peaceful international co-operation between States should be built,

Considering further that direct intervention, subversion and all forms of indirect intervention are contrary to these principles and, consequently, constitute a violation of the Charter of the United Nations,

Mindful that violation of the principle of non-intervention poses a threat to the independence, freedom and normal political, economic, social and cultural development of countries particularly those which have freed themselves from colonialism, and can pose a serious threat to the maintenance of peace,

Fully aware of the imperative need to create appropriate conditions which would enable all States, and in particular the developing countries, to choose without duress or coercion their own political, economic and social institutions,

In the light of the foregoing considerations, solemnly declares:

1. No State has the right to intervene, directly or indirectly, for any reason whatever, in the internal or external affairs of any other State. Consequently, armed intervention and all other forms of interference or attempted threats against the personality of the State or against its political, economic and cultural elements, are condemned.

2. No State may use or encourage the use of economic, political or any other type of measures to coerce another State in order to obtain from it the subordination of the exercise

of its sovereign rights or to secure from it advantages of any kind. Also, no State shall organize, assist, foment, finance, incite or tolerate subversive, terrorist or armed activities directed towards the violent overthrow of the régime of another State, or interfere in civil strife in another State.

3. The use of force to deprive peoples of their national identity constitutes a violation of their inalienable rights and of the principle of non-intervention.

4. The strict observance of these obligations is an essential condition to ensure that nations live together in peace with one another, since the practice of any form of intervention not only violates the spirit and letter of the Charter of the United Nations but also leads to the creation of situations which threaten international peace and security.

5. Every State has an inalienable right to choose its political, economic, social and cultural systems, without interference in any form by another State.

6. All States shall respect the right of self-determination and independence of peoples and nations, to be freely exercised without any foreign pressure, and with absolute respect for human rights and fundamental freedoms. Consequently, all States shall contribute to the complete elimination of racial discrimination and colonialism in all its forms and manifestations.

7. For the purpose of the present Declaration, the term "State" covers both individual States and groups of States.

8. Nothing in this Declaration shall be construed as affecting in any manner the relevant provisions of the Charter of the United Nations relating to the maintenance of international peace and security, in particular those contained in Chapters VI, VII and VIII.

1408th plenary meeting
21 December 1965

B. Decisions, recommendations and reports of a legal character by inter-governmental organizations related to the United Nations

1. UNITED NATIONS EDUCATIONAL, SCIENTIFIC AND CULTURAL ORGANIZATION

MEMORANDUM CONCERNING THE OBLIGATION TO SUBMIT CONVENTIONS AND RECOMMENDATIONS ADOPTED BY THE GENERAL CONFERENCE TO THE "COMPETENT AUTHORITIES" AND THE SUBMISSION OF INITIAL SPECIAL REPORTS ON THE ACTION TAKEN UPON THESE CONVENTIONS AND RECOMMENDATIONS

Introduction

1. Articles IV.4 and VIII of the UNESCO Constitution stipulate that:

"4. The General Conference shall, in adopting proposals for submission to the Member States, distinguish between recommendations and international conventions submitted for their approval. In the former case a majority shall suffice; in the latter case a two-thirds majority shall be required. Each of the Member States shall submit recommendations or conventions to its competent authorities within a period of one year from the close of the session of the General Conference at which they were adopted."

...

"Each Member State shall report periodically to the Organization, in a manner to be determined by the General Conference, on its laws, regulations and statistics relating to educational, scientific and cultural life and institutions, and on the action taken upon the recommendations and conventions referred to in Article IV, paragraph 4."

2. Paragraphs 1 and 2 of Article 16 of the "Rules of Procedure concerning Recommendations to Member States and International Conventions covered by the terms of Article IV, paragraph 4, of the Constitution" provide as follows:

> "1. In addition to the general annual reports, Member States shall submit to the General Conference special reports on the action they have taken to give effect to conventions or recommendations adopted by the General Conference.
>
> 2. Initial reports relating to any convention or recommendation adopted shall be transmitted not less than two months prior to the opening of the first ordinary session of the General Conference following that at which such recommendation or convention was adopted."
>
> ...

3. In order to make it easier for Member States to prepare these initial special reports, the General Conference decided, at its thirteenth session, to instruct the Director-General to prepare a document for the benefit of the Governments of Member States containing "the various provisions of the Constitution and the regulations applicable, together with the other suggestion that the General Conference itself has found it necessary to formulate, at its earlier sessions, concerning the submission of conventions and recommendations to the competent authorities".[30] The present Memorandum was drawn up pursuant to this decision.

I. *Importance of the provisions of the Constitution*

4. "The General Conference thinks it desirable, in the first place, to emphasize the high importance it attaches to the twofold duty laid on Member States by the Constitution with regard to conventions and recommendations adopted by the General Conference: first, the obligation incumbent on each Member State to submit such conventions and recommendations to 'its competent authorities' within a period of one year from the close of the session of the General Conference at which the instruments were adopted; and, second, the obligation to report periodically on the action taken by it to give effect to such conventions and recommendations. Essentially indeed it is the operation of these two provisions of the Constitution which, on the one hand, ensures the widest possible implementation and application of the instruments adopted and, on the other hand, enables the General Conference—and hence Member States themselves—to assess the effectiveness of the Organization's regulatory action in the past and to determine the direction of its future regulatory action."[31]

II. *Nature of the "competent authorities"*

5. "The competent authorities, in the meaning of Article IV, paragraph 4, of the Constitution, are those empowered, under the Constitution or the laws of each Member State, to enact the laws, issue the regulations or take any other measures necessary to give effect to conventions or recommendations. It is for the government of each Member State to specify and indicate those authorities which are competent in respect of each convention and recommendation."[32]

6. "... A distinction should, in this context, be drawn between the authorities which are competent to 'enact' laws or 'issue' regulations, on the one hand, and the government depart-

---

[30] *General Conference*, thirteenth session: "General report on the initial special reports of Member States on action taken by them upon the Protocol and Recommendations adopted by the General Conference of UNESCO at its twelfth session", para. 19.

[31] *General Conference*, eleventh session: "General report on the initial special reports of Member States on action taken by them upon the Conventions and Recommendations adopted by the General Conference of UNESCO at its ninth and tenth sessions", para. 10.

[32] 12 C/Resolutions, Annex III, Fourth Report of the Legal Committee, para. 53.

ments responsible for studying or preparing the laws or regulations which may be enacted or issued by those authorities and for submitting appropriate proposals to them, on the other. The definition adopted by the General Conference at its previous session shows clearly that the constitutional obligation laid down in Article IV, paragraph 4, relates to the former and not to the latter." [33]

III. *Extent of the obligation to submit conventions and recommendations to the "competent authorities" and time-limits*

7. "The General Conference... feels bound to draw attention... to the distinction to be drawn between the obligation to submit an instrument to the competent authorities, on the one hand, and the ratification of a convention or the acceptance of a recommendation, on the other. Their submission to the competent authorities does not imply that conventions should necessarily be ratified or that recommendations should be accepted in their entirety. On the other hand, it is incumbent on Member States to submit *all* recommendations and conventions *without exception* to the competent authorities, even if measures of ratification or acceptance are not contemplated in a particular case." [34]

8. "... The General Conference wishes to point out that, while States are under a strict obligation to submit conventions and recommendations to the competent authorities, that is, to 'those empowered, under the Constitution or the laws of each Member State, to enact the laws, issue the regulations or take any other measures necessary to give effect to conventions or recommendations', within a specified time-limit, the competent authorities, on the other hand, are under no obligation to enact such laws or issue such regulations, which may be enacted or issued without any time-limit." [35]

IV. *Contents of the initial special reports*

9. "The General Conference

...

Invites Member States, when submitting initial special reports relating to conventions or recommendations adopted by the General Conference, to include in these reports, as far as possible, information on the following:

(*a*) Whether the convention or recommendation has been submitted to the competent national authority or authorities in accordance with Article IV, paragraph 4 of the Constitution and Article I of the Rules of Procedure concerning Recommendations to Member States and International Conventions;

(*b*) The name of the competent authority or authorities in the reporting State;

(*c*) Whether such authority or authorities have taken any steps to give effect to the convention or recommendation;

(*d*) The nature of such steps." [36]

10. "The General Conference feels it advisable to stress... the importance attaching to the replies to these questions, even when a convention has been ratified, as was the case for

---

[33] *General Conference*, thirteenth session: "General report on the initial special reports of Member States on action taken by them upon the Protocol and Recommendations adopted by the General Conference of UNESCO at its twelfth session", para. 18.

[34] *General Conference*, twelfth session: "General report on the initial special reports of Member States on action taken by them upon the Convention and Recommendations adopted by the General Conference at its eleventh session", para 18.

[35] *General Conference*, thirteenth session: "General report on the initial special reports of Member States on action taken by them upon the Protocol and Recommendations adopted by the General Conference of UNESCO at its twelfth session", para. 17.

[36] 10 C/Resolution 50.

certain States, before the preparation of the report. Indeed, it is very useful to be acquainted with the procedure followed for obtaining this ratification and, in particular, to know whether the convention was ratified after consultation with the legislative authority or on its authorization."[37]

11. "Some Member States, though not specifically replying to the questions set out in this resolution, included in their reports detailed accounts of the situation in their countries with regard to the subject of the convention or recommendation. While acknowledging the usefulness of these accounts, the General Conference hopes that, in future, all Member States will be able to give precise information, in their initial special reports, on the points mentioned in resolution 50."[38]

2. INTERNATIONAL TELECOMMUNICATION UNION

Resolutions of a legal character adopted by the Plenipotentiary Conference of the International Telecommunication Union (Montreux, 1965)

(a) Resolution No. 23—Possible Revision of Article IV, Section 11, of the Convention on the Privileges and Immunities of the Specialized Agencies

The Plenipotentiary Conference of the International Telecommunication Union (Montreux, 1965),

in view of

Resolution No. 28 of the Plenipotentiary Conference of Buenos Aires (1952), and Resolution No. 31 of the Plenipotentiary Conference of Geneva (1959);

bearing in mind

Resolution No. 33 of the Plenipotentiary Conference (Geneva, 1959);

considering

(*a*) the seeming conflict between the definition of Government Telegrams and Government Telephone Calls contained in Annex 2 of the International Telecommunication Convention of Atlantic City (1947) and the provisions of Article IV, Section 11, of the Convention on the Privileges and Immunities of the Specialized Agencies;

(*b*) that the Convention on the Privileges and Immunities of the Specialized Agencies has not been amended in the manner requested by the Plenipotentiary Conferences of Buenos Aires (1952) and Geneva (1959);

having examined

proposals, including a request by the Secretary-General of the United Nations to extend government telecommunication privileges to the Heads of the specialized agencies;

decides

to confirm the decisions of the Plenipotentiary Conferences of Buenos Aires (1952) and Geneva (1959) not to include, in Annex 2 to the Convention, the Heads of the specialized agencies among the authorities entitled to send government telegrams or to request government telephone calls;

---

[37] *General Conference*, twelfth session: "General report on the initial special reports of Member States on action taken by them upon the Convention and Recommendations adopted by the General Conference at its eleventh session", para. 17.

[38] *General Conference*, thirteenth session: "General report on the initial special reports of Member States on action taken by them upon the Protocol and Recommendations adopted by the General Conference of UNESCO at its twelfth session", para. 15.

expresses the hope

that the United Nations will agree to reconsider the matter and, bearing in mind the above decision, will make the necessary amendment to Article IV, Section 11, of the Convention on the Privileges and Immunities of the Specialized Agencies;

instructs the Administrative Council

to take the necessary steps with the appropriate organs of the United Nations with a view to reaching a satisfactory solution.

(b) Resolution No. 24—Telecommunication and the Peaceful Uses of Outer Space

The Plenipotentiary Conference of the International Telecommunication Union (Montreux, 1965),

mindful

of the problems which arise in the international field from the use of outer space for peaceful purposes;

considering

the importance of the role that telecommunications, and in consequence the Union, necessarily play in this sphere;

recalling

(*a*) the principle set forth in Resolution No. 1721 (XVI) of the United Nations General Assembly that telecommunications by means of satellites should be available to the nations of the world as soon as practicable on a global and non-discriminatory basis;

(*b*) the declaration of legal principles governing the activities of States in the exploration and use of outer space set forth in Resolution No. 1962 (XVIII) of the United Nations General Assembly;

notes with satisfaction

(*a*) the measures taken by the various organs of the Union in order to allow telecommunications to serve the various peaceful uses of outer space in the best manner possible;

(*b*) the progress made by various countries in the technology and use of telecommunication satellites;

instructs the Administrative Council and the Secretary-General

to take the necessary steps in order to:

1. continue to inform the United Nations and its interested specialized agencies of the progress made in space telecommunication;

2. offer the co-operation of the Union, within its field of competence, to the United Nations and those specialized agencies interested in space telecommunication and in particular to the United Nations Committee on the Peaceful Uses of Outer Space;

considering further

that, from the economic as well as the technical point of view, it is highly desirable that, for the full satisfaction of their needs, all countries should have equal opportunity to use space telecommunication facilities;

calls upon

all the Members of the Union to join their efforts in this connection, guided by the United Nations Resolutions mentioned above.

(c) Resolution No. 35—Preparation of a Draft Constitutional Charter

The Plenipotentiary Conference of the International Telecommunication Union (Montreux, 1965),

instructs the Administrative Council:

1. to set up as soon as possible a study group of not more than ten experts (two from each Region) with the following terms of reference:

—to prepare a draft Constitutional Charter and General Regulations for the International Telecommunication Union, based upon the decisions taken by, and the discussions which took place at the Plenipotentiary Conference (Montreux, 1965), the Convention and the experience of the Union, the Constitutions and the experience of other specialized agencies of the United Nations, and the comments, suggestions and proposals submitted by Member countries;

—to prepare this draft in sufficient time to enable it to be distributed to Members of the Union at least one year before the next Plenipotentiary Conference;

2. to make the necessary administrative arrangements to enable the study group to carry out its work;

3. to invite Members of the Union to submit to the study group, through the Secretary-General, comments, suggestions and proposals in regard to the draft Constitutional Charter and General Regulations;

4. to direct the Secretary-General to transmit the draft prepared by the study group to the Administrative Council for information and to the Members of the Union for their study and later consideration at the next Plenipotentiary Conference;

5. to meet the travel and subsistence expenses of the experts from the budget of the Union.

(d) Resolution No. 41—Juridical Status

The Plenipotentiary Conference of the International Telecommunication Union (Montreux, 1965),

considering

(*a*) that the Agreement on the 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, which applies by analogy to the Union as from 1 January 1948, does not meet the present requirements of the Union and is not suited to its future development;

(*b*) that the decision of this Conference to acquire the building now occupied by the Union (Resolution No. 38) makes more evident the need for concluding a legal instrument which will put an end to this provisional state of affairs and guarantee the harmonious and stable development of the Union;

instructs the Secretary-General

1. to negotiate on behalf of the Union, with the competent authorities of the Swiss Confederation, an agreement establishing the privileges and immunities of the International Telecommunication Union in Switzerland;

2. to report to the Administrative Council at its next session on the results of such negotiations;

instructs the Administrative Council

to study and, if satisfied, approve the agreement negotiated by the Secretary-General.

(e) Resolution No. 43—Requests to the International Court of Justice for Advisory Opinions

The Plenipotentiary Conference of the International Telecommunication Union (Montreux, 1965),

in view of

(*a*) Article VII of the Agreement between the United Nations and the International Telecommunication Union which provides that requests for advisory opinions may be addressed to the International Court of Justice by the Plenipotentiary Conference, or by the Administrative Council acting in pursuance of an authorization by the Plenipotentiary Conference;

(*b*) the decision of the Administrative Council "to affiliate the Union to the Administrative Tribunal of the International Labour Organisation", and the declaration recognizing the jurisdiction of the Tribunal which was made by the Secretary-General pursuant to that decision;

(*c*) the provisions in the Annex to the Statute of the Administrative Tribunal of the International Labour Organisation under which that Statute applies in its entirety to any international governmental organization which has recognized the jurisdiction of the Tribunal in accordance with paragraph 5 of Article II of the Statute of the Tribunal;

(*d*) Article XII of the Statute of the Administrative Tribunal of the International Labour Organisation under which, in consequence of the above-mentioned declaration, the Administrative Council of the International Telecommunication Union may submit to the International Court of Justice the question of the validity of a decision given by the Tribunal;

notes

that the Administrative Council is authorized to request advisory opinions from the International Court of Justice as provided under Article XII of the Statute of the Administrative Tribunal of the International Labour Organisation.

(f) Resolution No. 44—Participation of the Republic of South Africa in Regional Conferences for Africa

The Plenipotentiary Conference of the International Telecommunication Union (Montreux, 1965),

considering

(*a*) the impossibility of holding African regional conferences or meetings called by the Union, or under its auspices, owing to the presence of representatives of the Government of the Republic of South Africa;

(*b*) the financial implications entailed if conferences or meetings should waste time in discussing the presence of representatives of the Government of the Republic of South Africa;

recalling

(*a*) Resolution No. 45 of the Plenipotentiary Conference (Montreux, 1965);

(*b*) Resolution No. 974 (XXXVI), Part IV, adopted by the United Nations Economic and Social Council on 30 July 1963;

instructs the Secretary-General

to take the necessary steps so that the Republic of South Africa shall not be invited to take part in the work of any regional conference or meeting for Africa called by the Union, or under its auspices, until the Administrative Council, taking into account the decisions taken by the United Nations and after consulting the Members and Associate Members of the Union, shall find that the conditions for constructive co-operation have been restored by the abandonment of the present policy of racial discrimination exercised by the Government of the Republic of South Africa.

(g) Resolution No. 45—Exclusion of the Government of the Republic of South Africa from the Plenipotentiary Conference

The Plenipotentiary Conference of the International Telecommunication Union (Montreux, 1965),

considering

that the racial policy in South Africa perpetuating or accentuating discrimination constitutes a flagrant violation of the United Nations Charter and the Declaration of Human Rights;

noting

that the Government of the Republic of South Africa has paid no attention to the repeated requests and demands of the United Nations, the specialized agencies and worldwide public opinion and has not accordingly reconsidered or revised its racial policy;

deploring

the fact that the Government of the Republic of South Africa thus continues to pay no attention to these requests and, furthermore, deliberately aggravates the racial question by more discriminatory measures and by their application accompanied by violence and bloodshed;

recalling

the fact that a number of subsidiary organs of the United Nations and the specialized agencies have excluded the Government of the Republic of South Africa from their work until such time as it should give up its apartheid policy;

resolves

that the Government of the Republic of South Africa shall be excluded from the Plenipotentiary Conference.

(h) Resolution No. 46—Territories under Portuguese Administration

The Plenipotentiary Conference of the International Telecommunication Union (Montreux, 1965),

considering

that the situation in the African territories under Portuguese administration is a serious danger to peace and security in Africa;

recalling

the declaration of the United Nations General Assembly on 14 December 1960 on the granting of independence to colonial countries and peoples, which states: "subjecting peoples to foreign subjugation, domination and exploitation constitutes a denial of the fundamental human rights, is contrary to the United Nations Charter and jeopardizes the cause of peace and world co-operation";

condemns

without appeal the colonial policy of the retrograde Government of Portugal;

asks Portugal,

in accordance with the very terms of a resolution adopted by the United Nations General Assembly at its XVIIIth Session, to apply the following measures:

(*a*) immediate recognition of the right of the peoples in the territories under its domination to self-determination and independence;

(*b*) immediate cessation of all acts of repression and withdrawal of all military forces and others at present used for this purpose;

(*c*) promulgation of an unconditional political amnesty and establishment of conditions allowing the free functioning of political parties;

(*d*) negotiation on the basis of recognition of the right to self-determination with the real representatives of the nationalist fighting forces of these territories, so as to transfer power to freely elected political institutions representative of the peoples of these territories.

3. INTERNATIONAL ATOMIC ENERGY AGENCY

(*a*) The Agency's Safeguards System (1965)[39]

[*Original text: English*]
[*3 December 1965*]

I. General considerations

A. *The purpose of this document*

1. Pursuant to Article II of its Statute the Agency has the task of seeking "to accelerate and enlarge the contribution of atomic energy to peace, health and prosperity throughout the world". Inasmuch as the technology of nuclear energy for peaceful purposes is closely coupled with that for the production of materials for nuclear weapons, the same Article of the Statute provides that the Agency "shall ensure, so far as it is able, that assistance provided by it or at its request or under its supervision or control is not used in such a way as to further any military purpose".

2. The principal purpose of the present document is to establish a system of controls to enable the Agency to comply with this statutory obligation with respect to the activities of Member States in the field of the peaceful uses of nuclear energy, as provided in the Statute. The authority to establish such a system is provided by Article III.A.5 of the Statute, which authorizes the Agency to "establish and administer safeguards designed to ensure that special fissionable and other materials, services, equipment, facilities, and information made available by the Agency or at its request or under its supervision or control are not used in such a way as to further any military purpose". This Article further authorizes the Agency to "apply safeguards, at the request of the parties, to any bilateral or multilateral arrangement, or at the request of a State, to any of that State's activities in the field of atomic energy". Article XII.A sets forth the rights and responsibilities that the Agency is to have, to the extent relevant, with respect to any project or arrangement which it is to safeguard.

3. The principles set forth in this document and the procedures for which it provides are established for the information of Member States, to enable them to determine in advance the circumstances and manner in which the Agency would administer safeguards, and for the guidance of the organs of the Agency itself, to enable the Board and the Director General to determine readily what provisions should be included in agreements relating to safeguards and how to interpret such provisions.

4. Provisions of this document that are relevant to a particular project, arrangement or activity in the field of nuclear energy will only become legally binding upon the entry into force of a *safeguards agreement*[40] and to the extent that they are incorporated therein. Such incorporation may be made by reference.

5. Appropriate provisions of this document may also be incorporated in bilateral or multilateral arrangements between Member States, including all those that provide for the transfer to the Agency of responsibility for administering safeguards. The Agency will not assume such responsibility unless the principles of the safeguards and the procedures to be used are essentially consistent with those set forth in this document.

---

[39] Document INFCIRC/66. On 28 September 1965 the Board of Governors approved the Agency's revised safeguards system which is set forth in this document for the information of all Members. For ease of reference the revised system may be cited as "The Agency's Safeguards System (1965)" to distinguish it from the original system—"The Agency's Safeguards System (1961)" —and from the original system as extended to large reactor facilities—"The Agency's Safeguards System (1961), as Extended in 1964".

[40] The use of italics indicates that a term has a specialized meaning in this document and is defined in Part. IV.

6. Agreements incorporating provisions from the earlier version of the Agency's safeguards system[41] will continue to be administered in accordance with such provisions, unless all States parties thereto request the Agency to substitute the provisions of the present document.

7. Provisions relating to types of *principal nuclear facilities*, other than *reactors*, which may produce, process or use safeguarded *nuclear material* will be developed as necessary.

8. The principles and procedures set forth in this document shall be subject to periodic review in the light of the further experience gained by the Agency as well as of technological developments.

B. *General principles of the Agency's safeguards*

The Agency's obligations

9. Bearing in mind Article II of the Statute, the Agency shall implement safeguards in a manner designed to avoid hampering a State's economic or technological development.

10. The safeguards procedures set forth in this document shall be implemented in a manner designed to be consistent with prudent management practices required for the economic and safe conduct of nuclear activities.

11. In no case shall the Agency request a State to stop the construction or operation of any *principal nuclear facility* to which the Agency's safeguards procedures extend, except by explicit decision of the Board.

12. The State or States concerned and the Director General shall hold consultations regarding the application of the provisions of the present document.

13. In implementing safeguards, the Agency shall take every precaution to protect commercial and industrial secrets. No member of the Agency's staff shall disclose, except to the Director General and to such other members of the staff as the Director General may authorize to have such information by reason of their official duties in connection with safeguards, any commercial or industrial secret or any other confidential information coming to his knowledge by reason of the implementation of safeguards by the Agency.

14. The Agency shall not publish or communicate to any State, organization or person any information obtained by it in connection with the implementation of safeguards, except that:

(*a*) Specific information relating to such implementation in a State may be given to the Board and to such Agency staff members as require such knowledge by reason of their official duties in connection with safeguards, but only to the extent necessary for the Agency to fulfil its safeguards responsibilities;

(*b*) Summarized lists of items being safeguarded by the Agency may be published upon decision of the Board; and

(*c*) Additional information may be published upon decision of the Board and if all States directly concerned agree.

Principles of implementation

15. The Agency shall implement safeguards in a State if:

(*a*) The Agency has concluded with the State a *project agreement* under which materials, services, equipment, facilities or information are supplied, and such agreement provides for the application of safeguards; or

(*b*) The State is a party to a bilateral or multilateral arrangement under which materials, services, equipment, facilities or information are supplied or otherwise transferred, and:

[41] Set forth in documents INFCIRC/26 and Add.1.

(i) All the parties to the arrangement have requested the Agency to administer safeguards; and

(ii) The Agency has concluded the necessary *safeguards agreement* with the State; or

(*c*) The Agency has been requested by the State to safeguard certain nuclear activities under the latter's jurisdiction, and the Agency has concluded the necessary *safeguards agreement* with the State.

16. In the light of Article XII.A.5 of the Statute, it is desirable that *safeguards agreements* should provide for the continuation of safeguards, subject to the provisions of this document, with respect to produced special fissionable material and to any materials substituted therefor.

17. The principal factors to be considered by the Board in determining the relevance of particular provisions of this document to various types of materials and facilities shall be the form, scope and amount of the assistance supplied, the character of each individual project and the degree to which such assistance could further any military purpose. The related *safeguards agreement* shall take account of all pertinent circumstances at the time of its conclusion.

18. In the event of any non-compliance by a State with a *safeguards agreement*, the Agency may take the measures set forth in Articles XII.A.7 and XII.C of the Statute.

II. Circumstances requiring safeguards

A. *Nuclear materials subject to safeguards*

19. Except as provided in paragraphs 21-28, *nuclear material* shall be subject to the Agency's safeguards if it is being or has been:

(*a*) Supplied under a *project agreement;* or

(*b*) Submitted to safeguards under a *safeguards agreement* by the parties to a bilateral or multilateral arrangement; or

(*c*) *Unilaterally submitted* to safeguards under a *safeguards agreement;* or

(*d*) Produced, processed or used in a *principal nuclear facility* which has been:

(i) Supplied wholly or substantially under a *project agreement;* or

(ii) Submitted to safeguards under a *safeguards agreement* by the parties to a bilateral or multilateral arrangement; or

(iii) *Unilaterally submitted* to safeguards under a *safeguards agreement;* or

(*e*) Produced in or by the use of safeguarded *nuclear material;* or

(*f*) Substituted, pursuant to paragraph 26(*d*), for safeguarded *nuclear material.*

20. A *principal nuclear facility* shall be considered as substantially supplied under a *project agreement* if the Board has so determined.

B. *Exemptions from safeguards*

General exemptions

21. *Nuclear material* that would otherwise be subject to safeguards shall be exempted from safeguards at the request of the State concerned, provided that the material so exempted in that State may not at any time exceed:

(*a*) 1 kilogram in total of special fissionable material, which may consist of one or more of the following:

(i) Plutonium;

(ii) Uranium with an *enrichment* of 0.2 (20%) and above, taken account of by multiplying its weight by its *enrichment;*

(iii) Uranium with an *enrichment* below 0.2 (20%) and above that of natural uranium, taken account of by multiplying its weight by five times the square of its *enrichment;*

(*b*) 10 metric tons in total of natural uranium and depleted uranium with an *enrichment* above 0.005 (0.5%);

(*c*) 20 metric tons of depleted uranium with an *enrichment* of 0.005 (0.5%) or below; and

(*d*) 20 metric tons of thorium.

Exemptions related to reactors

22. Produced or used *nuclear material* that would otherwise be subject to safeguards pursuant to paragraph 19(*d*) or (*e*) shall be exempted from safeguards if:

(*a*) It is plutonium produced in the fuel of a *reactor* whose rate of production does not exceed 100 grams of plutonium per year; or

(*b*) It is produced in a *reactor* determined by the Agency to have a maximum calculated power for continuous operation of less than 3 thermal megawatts, or is used in such a *reactor* and would not be subject to safeguards except for such use, provided that the total power of the *reactors* with respect to which these exemptions apply in any State may not exceed 6 thermal megawatts.

23. Produced special fissionable material that would otherwise be subject to safeguards pursuant only to paragraph 19(*e*) shall in part be exempted from safeguards if it is produced in a *reactor* in which the ratio of fissionable isotopes within safeguarded *nuclear material* to all fissionable isotopes is less than 0.3 (calculated each time any change is made in the loading of the *reactor* and assumed to be maintained until the next such change). Such fraction of the produced material as corresponds to the calculated ratio shall be subject to safeguards.

C. *Suspension of safeguards*

24. Safeguards with respect to *nuclear material* may be suspended while the material is transferred, under an arrangement or agreement approved by the Agency, for the purpose of processing, reprocessing, testing, research or development, within the State concerned or to any other Member State or to an international organization, provided that the quantities of *nuclear material* with respect to which safeguards are thus suspended in a State may not at any time exceed:

(*a*) 1 *effective kilogram* of special fissionable material;

(*b*) 10 metric tons in total of natural uranium and depleted uranium with an *enrichment* above 0.005 (0.5%);

(*c*) 20 metric tons of depleted uranium with an *enrichment* of 0.005 (0.5%) or below; and

(*d*) 20 metric tons of thorium.

25. Safeguards with respect to *nuclear material* in irradiated fuel which is transferred for the purpose of reprocessing may also be suspended if the State or States concerned have, with the agreement of the Agency, placed under safeguards substitute *nuclear material* in accordance with paragraph 26(*d*) for the period of suspension. In addition, safeguards with respect to plutonium contained in irradiated fuel which is transferred for the purpose of reprocessing may be suspended for a period not to exceed six months if the State or States concerned have, with the agreement of the Agency, placed under safeguards a quantity of uranium whose *enrichment* in the isotope uranium-235 is not less than 0.9 (90%) and the uranium-235 content of which is equal in weight to such plutonium. Upon expiration of the said six months or the completion of reprocessing, whichever is earlier, safeguards shall, with the agreement of the Agency, be applied to such plutonium and shall cease to apply to the uranium substituted therefor.

D. *Termination of safeguards*

26. *Nuclear material* shall no longer be subject to safeguards after:

(*a*) It has been returned to the State that originally supplied it (whether directly or through the Agency), if it was subject to safeguards only by reason of such supply and if:

(i) It was not *improved* while under safeguards; or

(ii) Any special fissionable material that was produced in it under safeguards has been separated out, or safeguards with respect to such produced material have been terminated; or

(*b*) The Agency has determined that:

(i) It was subject to safeguards only by reason of its use in a *principal nuclear facility* specified in paragraph 19(*d*);

(ii) It has been removed from such facility; and

(iii) Any special fissionable material that was produced in it under safeguards has been separated out, or safeguards with respect to such produced material have been terminated; or

(*c*) The Agency has determined that it has been consumed, or has been diluted in such a way that it is no longer usable for any nuclear activity relevant from the point of view of safeguards, or has become practicably irrecoverable; or

(*d*) The State or States concerned have, with the agreement of the Agency, placed under safeguards, as a substitute, such amount of the same element, not otherwise subject to safeguards, as the Agency has determined contains fissionable isotopes:

(i) Whose weight (with due allowance for processing losses) is equal to or greater than the weight of the fissionable isotopes of the material with respect to which safeguards are to terminate; and

(ii) Whose ratio by weight to the total substituted element is similar to or greater than the ratio by weight of the fissionable isotopes of the material with respect to which safeguards are to terminate to the total weight of such material;

provided that the Agency may agree to the substitution of plutonium for uranium-235 contained in uranium whose *enrichment* is not greater than 0.05 (5.0%); or

(*e*) It has been transferred out of the State under paragraph 28(*d*), provided that such material shall again be subject to safeguards if it is returned to the State in which the Agency had safeguarded it; or

(*f*) The conditions specified in the *safeguards agreement*, pursuant to which it was subject to Agency safeguards, no longer apply, by expiration of the agreement or otherwise.

27. If a State wishes to use safeguarded source material for non-nuclear purposes, such as the production of alloys or ceramics, it shall agree with the Agency on the circumstances under which the safeguards on such material may be terminated.

E. *Transfer of safeguarded nuclear material out of the State*

28. No safeguarded *nuclear material* shall be transferred outside the jurisdiction of the State in which it is being safeguarded until the Agency has satisfied itself that one or more of the following conditions apply:

(*a*) The material is being returned, under the conditions specified in paragraph 26(*a*), to the State that originally supplied it; or

(*b*) The material is being transferred subject to the provisions of paragraph 24 or 25; or

(*c*) Arrangements have been made by the Agency to safeguard the material in accordance with this document in the State to which it is being transferred; or

(*d*) The material was not subject to safeguards pursuant to a *project agreement* and will be subject, in the State to which it is being transferred, to safeguards other than those of the Agency but generally consistent with such safeguards and accepted by the Agency.

III. SAFEGUARDS PROCEDURES

A. *General procedures*

Introduction

29. The safeguards procedures set forth below shall be followed, as far as relevant, with respect to safeguarded *nuclear materials*, whether they are being produced, processed or used in any *principal nuclear facility* or are outside any such facility. These procedures also extend to facilities containing or to contain such materials, including *principal nuclear facilities* to which the criteria in paragraph 19(*d*) apply.

Design review

30. The Agency shall review the design of *principal nuclear facilities*, for the sole purpose of satisfying itself that a facility will permit the effective application of safeguards.

31. The design review of a *principal nuclear facility* shall take place at as early a stage as possible. In particular, such review shall be carried out in the case of:

(*a*) An Agency project, before the project is approved;

(*b*) A bilateral or multilateral arrangement under which the responsibility for administering safeguards is to be transferred to the Agency, or an activity *unilaterally submitted* by a State, before the Agency assumes safeguards responsibilities with respect to the facility;

(*c*) A transfer of safeguarded *nuclear material* to a *principal nuclear facility* whose design has not previously been reviewed, before such transfer takes places; and

(*d*) A significant modification of a *principal nuclear facility* whose design has previously been reviewed, before such modification is undertaken.

32. To enable the Agency to perform the required design review, the State shall submit to it relevant design information sufficient for the purpose, including information on such basic characteristics of the *principal nuclear facility* as may bear on the Agency's safeguards procedures. The Agency shall require only the minimum amount of information and data consistent with carrying out its responsibility under this section. It shall complete the review promptly after the submission of this information by the State and shall notify the latter of its conclusions without delay.

Records

33. The State shall arrange for the keeping of records with respect to *principal nuclear facilities* and also with respect to all safeguarded *nuclear material* outside such facilities. For this purpose the State and the Agency shall agree on a system of records with respect to each facility and also with respect to such material, on the basis of proposals to be submitted by the State in sufficient time to allow the Agency to review them before the records need to be kept.

34. If the records are not kept in one of the working languages of the Board, the State shall make arrangements to facilitate their examination by inspectors.

35. The records shall consist, as appropriate, of:

(*a*) Accounting records of all safeguarded *nuclear material;* and

(*b*) Operating records for *principal nuclear facilities.*

36. All records shall be retained for at least two years.

Reports

General requirements

37. The State shall submit to the Agency reports with respect to the production, processing and use of safeguarded *nuclear material* in or outside *principal nuclear facilities.* For this purpose the State and the Agency shall agree on a system of reports with respect to each facility and also with respect to safeguarded *nuclear material* outside such facilities, on the basis of proposals to be submitted by the State in sufficient time to allow the Agency to review them before the reports need to be submitted. The reports need include only such information as is relevant for the purpose of safeguards.

38. Unless otherwise provided in the applicable *safeguards agreement*, reports shall be submitted in one of the working languages of the Board.

Routine reports

39. Routine reports shall be based on the records compiled in accordance with paragraphs 33-36 and shall consist, as appropriate, of:

(*a*) Accounting reports showing the receipt, transfer out, inventory and use of all safeguarded *nuclear material.* The inventory shall indicate the nuclear and chemical composition and physical form of all material and its location on the date of the report; and

(*b*) Operating reports showing the use that has been made of each *principal nuclear facility* since the last report and, as far as possible, the programme of future work in the period until the next routine report is expected to reach the Agency.

40. The first routine report shall be submitted as soon as:

(*a*) There is any safeguarded *nuclear material* to be accounted for; or

(*b*) The *principal nuclear facility* to which it relates is in a condition to operate.

Progress in construction

41. The Agency may, if so provided in a *safeguards agreement*, request information as to when particular stages in the construction of a *principal nuclear facility* have been or are to be reached.

Special reports

42. The State shall report to the Agency without delay:

(*a*) If any unusual incident occurs involving actual or potential loss or destruction of, or damage to, any safeguarded *nuclear material* or *principal nuclear facility;* or

(*b*) If there is good reason to believe that safeguarded *nuclear material* is lost or unaccounted for in quantities that exceed the normal operating and handling losses that have been accepted by the Agency as characteristic of the facility.

43. The State shall report to the Agency, as soon as possible, and in any case within two weeks, any transfer not requiring advance notification that will result in a significant change (to be defined by the Agency in agreement with the State) in the quantity of safeguarded *nuclear material* in a facility, or in a complex of facilities considered as a unit for this purpose by agreement with the Agency. Such report shall indicate the amount and nature of the material and its intended use.

Amplification of reports

44. At the Agency's request the State shall submit amplifications or clarifications of any report, in so far as relevant for the purpose of safeguards.

Inspections

General procedures

45. The Agency may inspect safeguarded *nuclear materials* and *principal nuclear facilities.*

46. The purpose of safeguards inspections shall be to verify compliance with *safeguards agreements* and to assist States in complying with such agreements and in resolving any questions arising out of the implementation of safeguards.

47. The number, duration and intensity of inspections actually carried out shall be kept to the minimum consistent with the effective implementation of safeguards, and if the Agency considers that the authorized inspections are not all required, fewer shall be carried out.

48. Inspectors shall neither operate any facility themselves nor direct the staff of a facility to carry out any particular operation.

Routine inspections

49. Routine inspections may include, as appropriate:

(*a*) Audit of records and reports;

(*b*) Verification of the amount of safeguarded *nuclear material* by physical inspection, measurement and sampling;

(*c*) Examination of *principal nuclear facilities*, including a check of their measuring instruments and operating characteristics; and

(*d*) Check of the operations carried out at *principal nuclear facilities* and at *research and development facilities* containing safeguarded *nuclear material.*

50. Whenever the Agency has the right of access to a *principal nuclear facility* at all times,[42] it may perform inspections of which notice as required by paragraph 4 of the *Inspectors Document* need not be given, in so far as this is necessary for the effective application of safeguards. The actual procedures to implement these provisions shall be agreed upon between the parties concerned in the *safeguards agreement.*

Initial inspections of principal nuclear facilities

51. To verify that the construction of a *principal nuclear facility* is in accordance with the design reviewed by the Agency, an initial inspection or inspections of the facility may be carried out, if so provided in a *safeguards agreement:*

(*a*) As soon as possible after the facility has come under Agency safeguards, in the case of a facility already in operation; or

(*b*) Before the facility starts to operate, in other cases.

52. The measuring instruments and operating characteristics of the facility shall be reviewed to the extent necessary for the purpose of implementing safeguards. Instruments that will be used to obtain data on the *nuclear materials* in the facility may be tested to determine their satisfactory functioning. Such testing may include the observation by inspectors of commissioning or routine tests by the staff of the facility, but shall not hamper or delay the construction, commissioning or normal operation of the facility.

---

[42] See para. 57.

Special inspections

53. The Agency may carry out special inspections if:

(*a*) The study of a report indicates that such an inspection is desirable; or

(*b*) Any unforeseen circumstance requires immediate action.

The Board shall subsequently be informed of the reasons for and the results of each such inspection.

54. The Agency may also carry out special inspections of substantial amounts of safeguarded *nuclear material* that are to be transferred outside the jurisdiction of the State in which it is being safeguarded, for which purpose the State shall give the Agency sufficient advance notice of any such proposed transfer.

B. *Special procedures for reactors*

Reports

55. The frequency of submission of routine reports shall be agreed between the Agency and the State, taking into account the frequency established for routine inspections. However, at least two such reports shall be submitted each year and in no case shall more than 12 such reports be required in any year.

Inspections

56. One of the initial inspections of a *reactor* shall if possible be made just before the reactor first reaches criticality.

57. The maximum frequency of routine inspections of a *reactor* and of the safeguarded *nuclear material* in it shall be determined from the following table:

Whichever is the largest of: (*a*) Facility inventory (including loading); (*b*) Annual *throughput;* (*c*) Maximum potential annual production of special fissionable material (*Effective kilograms of nuclear material*)	*Maximum number of routine inspections annually*
Up to 1	0
More than 1 and up to 5	1
More than 5 and up to 10	2
More than 10 and up to 15	3
More than 15 and up to 20	4
More than 20 and up to 25	5
More than 25 and up to 30	6
More than 30 and up to 35	7
More than 35 and up to 40	8
More than 40 and up to 45	9
More than 45 and up to 50	10
More than 50 and up to 55	11
More than 55 and up to 60	12
More than 60	Right of access at all times

58. The actual frequency of inspection of a *reactor* shall take account of:

(*a*) Whether the State possesses irradiated-fuel reprocessing facilities;

(*b*) The nature of the *reactor;* and

(*c*) The nature and amount of the *nuclear material* produced or used in the *reactor*.

C. *Special procedures relating to safeguarded nuclear material outside principal nuclear facilities*

Nuclear material in research and development facilities

Routine reports

59. Only accounting reports need be submitted in respect of *nuclear material* in *research and development facilities*. The frequency of submission of such routine reports shall be agreed between the Agency and the State, taking into account the frequency established for routine inspections; however, at least one such report shall be submitted each year and in no case shall more than 12 such reports be required in any year.

Routine inspections

60. The maximum frequency of routine inspections of safeguarded *nuclear material* in a *research and development facility* shall be that specified in the table in paragraph 57 for the total amount of material in the facility.

Source material in sealed storage

61. The following simplified procedures for safeguarded stockpiled source material shall be applied if a State undertakes to store such material in a sealed storage facility and not to remove it therefrom without previously informing the Agency.

Design of storage facilities

62. The State shall submit to the Agency information on the design of each sealed storage facility and agree with the Agency on the method and procedure for sealing it.

Routine reports

63. Two routine accounting reports in respect of source material in sealed storage shall be submitted each year.

Routine inspections

64. The Agency may perform one routine inspection of each sealed storage facility annually.

Removal of material

65. The State may remove safeguarded source material from a sealed storage facility after informing the Agency of the amount, type and intended use of the material to be removed, and providing sufficient other data in time to enable the Agency to continue safeguarding the material after it has been removed.

Nuclear material in other locations

66. Except to the extent that safeguarded *nuclear material* outside of *principal nuclear facilities* is covered by any of the provisions set forth in paragraphs 59-65, the following procedures shall be applied with respect to such material (for example, source material stored elsewhere than in a sealed storage facility, or special fissionable material used in a sealed neutron source in the field).

Routine reports

67. Routine accounting reports in respect of all safeguarded *nuclear material* in this category shall be submitted periodically. The frequency of submission of such reports

shall be agreed between the Agency and the State, taking into account the frequency established for routine inspections; however, at least one such report shall be submitted each year and in no case shall more than 12 such reports be required in any year.

Routine inspections

68. The maximum frequency of routine inspections of safeguarded *nuclear material* in this category shall be one inspection annually if the total amount of such material does not exceed five *effective kilograms*, and shall be determined from the table in paragraph 57 if the amount is greater.

IV. Definitions

69. "Agency" means the International Atomic Energy Agency.

70. "Board" means the Board of Governors of the Agency.

71. "Director General" means the Director General of the Agency.

72. "Effective kilograms" means:

(*a*) In the case of plutonium, its weight in kilograms;

(*b*) In the case of uranium with an *enrichment* of 0.01 (1%) and above, its weight in kilograms multiplied by the square of its *enrichment*;

(*c*) In the case of uranium with an *enrichment* below 0.01 (1%) and above 0.005 (0.5%), its weight in kilograms multiplied by 0.0001; and

(*d*) In the case of depleted uranium with an *enrichment* of 0.005 (0.5%) or below, and in the case of thorium, its weight in kilograms multiplied by 0.00005.

73. "Enrichment" means the ratio of the combined weight of the isotopes uranium-233 and uranium-235 to that of the total uranium in question.

74. "Improved" means, with respect to *nuclear material*, that either:

(*a*) The concentration of fissionable isotopes in it has been increased; or

(*b*) The amount of chemically separable fissionable isotopes in it has been increased; or

(*c*) Its chemical or physical form has been changed so as to facilitate further use or processing.

75. "Inspector" means an Agency official designated in accordance with the *Inspectors Document*.

76. "Inspectors Document" means the Annex to the Agency's document GC(V)/INF/39.

77. "Nuclear material" means any source or special fissionable material as defined in Article XX of the Statute.

78. "Principal nuclear facility" means a *reactor*, a plant for processing *nuclear material* irradiated in a *reactor*, a plant for separating the isotopes of a *nuclear material*, a plant for processing or fabricating *nuclear material* (excepting a mine or ore-processing plant) or a facility or plant of such other type as may be designated by the Board from time to time, including associated storage facilities.

79. "Project agreement" means a *safeguards agreement* relating to an Agency project and containing provisions as foreseen in Article XI.F.4.(*b*) of the Statute.

80. "Reactor" means any device in which a controlled, self-sustaining fission chain-reaction can be maintained.

81. "Research and development facility" means a facility, other than a *principal nuclear facility*, used for research or development in the field of nuclear energy.

82. "Safeguards agreement" means an agreement between the Agency and one or more Member States which contains an undertaking by one or more of those States not to use certain items in such a way as to further any military purpose and which gives the Agency the right to observe compliance with such undertaking. Such an agreement may concern:

(*a*) An Agency project;

(*b*) A bilateral or multilateral arrangement in the field of nuclear energy under which the Agency may be asked to administer safeguards; or

(*c*) Any of a State's nuclear activities *unilaterally submitted* to Agency safeguards.

83. "Statute" means the Statute of the Agency.

84. "Throughput" means the rate at which *nuclear material* is introduced into a facility operating at full capacity.

85. "Unilaterally submitted" means submitted by a State to Agency safeguards, pursuant to a *safeguards agreement.*

(*b*) Amendment of Article VI, A. 2 of the Statute: Proposal by the Democratic Republic of the Congo—Note by the Director General[43]

[*Original text: English and French*]
[*20 July 1965*]

1. On 18 June 1965 the Director General received a letter from the Governor from the Democratic Republic of the Congo, the text of which is as follows:

"17 June 1965

"In conformity with the provisions of Article XVIII. A of the Agency's Statute, I have the honour to communicate to you herewith an amendment to the Statute which I request you to submit for consideration by the General Conference at its next session.

"The amendment proposed is the deletion of the words 'Belgium, Czechoslovakia, Poland and Portugal' from Article VI. A. 2 and, as a consequence, of the words 'the following' in the preceding line.

"The Agency should respect scientific truth and established fact. Since one country may, with the passage of time, cease to hold the status of a producer of uranium and another country may acquire such status, only countries which are real producers of uranium should be designated for membership on the Board under the provisions of this paragraph. This amendment is designed merely to adapt the text of the Statute to meet the true situation. With this amendment, the Board will be called upon each year to designate two countries, taking into account possible changes in the field of source material production."

2. In compliance with Article XVIII. A of the Statute, the Director General communicated to all Members on 23 June certified copies of the text of the amendment to the Statute thus proposed.

(*c*) Emergency assistance in the event of radiation accidents—Memorandum by the Director General[44]

[*Original text: English*]
[*6 September 1965*]

INTRODUCTION

1. On 18 September 1964 the General Conference requested the Board of Governors "to take the necessary steps to stimulate the conclusion of emergency assistance agreements

[43] Document GC (IX)/305.

[44] Document GC (IX)/INF/83.

between two or more Member States and the Agency as a means of ensuring more effective international mutual emergency assistance".[45] In so doing the Conference recalled the provisions of Articles II, III and VIII of the Statute, stressed the important role the Agency could play in facilitating and co-ordinating the provisions of assistance in serious nuclear accidents, and noted with satisfaction that the Agency had become party to an emergency assistance agreement with the four Nordic States.[46]

ACTION TAKEN BY THE BOARD AND THE DIRECTOR GENERAL

2. In February 1965 the Board discussed the subject on the basis of a memorandum by the Director General to which a draft agreement was annexed. The memorandum summarized action taken earlier and the existing arrangements for the provision of emergency assistance by the Agency, as well as the purpose, contents and possible form of an agreement. The Director General had reached the conclusion that a single, open agreement to which all Member States could become party would, for a number of reasons, be preferable to a series of bilateral or regional agreements, but that such an agreement could also serve as a model for bilateral or regional agreements in those cases where that was preferred.

3. Pursuant to a decision of the Board, the Director General on 25 March requested all Member States to comment on a set of revised draft articles prepared in the light of observations received from Members serving on the Board. By 8 June comments had been received from 15 Members, and these were communicated to all Member States in a Board document and two addenda thereto in late May and early June. Comments by a further six Members were reproduced in a third addendum which was circulated at the end of August.

4. All Members serving on the Board were invited to participate in an informal Working Group for the purpose of analysing the comments and of advising the Director General with regard to the substance and form of the revised draft articles and on future steps to be taken. Nineteen Members accepted the invitation and the Working Group met on 11 June. In addition to the revised draft articles and the comments, the Working Group had before it some amendments proposed by the Secretariat on the basis of the comments and a paper dealing with the financial and liability aspects of the Agency's role in the provision of assistance. The Working Group discussed most of the draft articles; as to Article XIII—Signature covering the matter of what States should be invited to become party to the proposed agreement, this was considered to be a question for the Board to decide. The Group also discussed the type of instrument by which the articles should be brought into effect.

5. The Board discussed the subject again in June when, on the recommendation of the Director General made on the basis of views expressed in the Working Group, it requested the Chairman, in consultation with him, to convene a committee of experts to prepare for its consideration a draft multilateral agreement and an additional paper indicating how the provisions in the draft could be used for other types of instrument. The Board further requested the Director General to include an item on the subject of emergency assistance in the provisional agenda for the ninth regular session of the General Conference,[47] to provide for the eventuality that the committee of experts, and subsequently the Board, would have completed the preparatory work in time to enable the Conference to discuss the subject at that session; and, if such progress was not made, to issue an information paper to notify the Conference of the action taken in relation to Resolution GC(VIII)/RES/177.

6. Not all Members consulted as potential members of the committee of experts were ready to meet early enough to enable any draft agreement elaborated by the committee to be circulated to Governors in time for its substantive consideration by the Board before the

[45] GC(VIII)/RES/177.

[46] INFCIRC/49.

[47] See document GC(IX)/295, item 19.

Conference met. Under these circumstances it was considered preferable for the committee to meet after the session, and it is foreseen that it could meet towards the end of the year.

Summary of positions taken by Member States

7. At the Director General's request,[48] Member States have commented on the following issues:

(*a*) The provisions of the revised draft articles;

(*b*) The type of instrument by which the articles should be brought into effect; and

(*c*) The Agency's role in the provision of assistance.

8. The comments on the first issue indicate that the main differences of opinion relate to the provisions on liability (Article VI) and on privileges and immunities (Article VII). As for insurance, the Secretariat is seeking the advice of experts on the subject.

9. On the question of the type of instrument, 15 Members have expressed themselves, either in written comments or in statements in the informal Working Group, in favour of a multilateral (global) agreement, partly because they believe that this would be the most practical solution and the one which best meets the needs, and partly because such an agreement could also be used as a model for bilateral or regional agreements to be concluded before or after an accident had occurred, whereas bilateral or regional agreements alone would preclude a number of States from taking part in the provision of assistance. On the other hand six Members have expressed themselves in favour of some other form of instrument, such as bilateral or regional agreements, regulations, rules or a code. Most of the Members that have commented on the question of what States should be entitled to become party to any multilateral agreement have supported the proposal in draft Article XIII that it should be open to all Members. However, some Members have expressed themselves in favour of opening the agreement to signature also by non-Member States. Of the latter, two Members have proposed to invite all States to become party, and one Member has proposed to invite States Members of the United Nations or its specialized agencies. One Member could not agree to the proposal in draft Article XIII that the Agency should be a party to the agreement on the same footing as Member States, since in its view an international organization cannot be a subject of international law to the same extent as a State. Another Member has expressed similar doubts.

10. The majority of the Members commenting upon the Agency's role in the provision of assistance have pronounced themselves in favour of an active role for the Agency. However, one Member has proposed that the Agency should not act as an intermediary, co-ordinator or observer but confine itself to rendering assistance in the same manner as any other Assisting Party.

---

[48] See paragraph 3 above.

Chapter IV

TREATIES CONCERNING INTERNATIONAL LAW CONCLUDED UNDER THE AUSPICES OF THE UNITED NATIONS AND RELATED INTER-GOVERNMENTAL ORGANIZATIONS

A. Treaties concerning international law concluded under the auspices of the United Nations

1. PROTOCOL OF ENTRY INTO FORCE OF THE AMENDMENTS TO ARTICLES 23, 27 AND 61 OF THE CHARTER OF THE UNITED NATIONS ADOPTED BY THE GENERAL ASSEMBLY RESOLUTIONS 1991 A AND B (XVIII) OF 17 DECEMBER 1963

WHEREAS Article 108 of the Charter of the United Nations provides as follows:

"Article 108

"Amendments to the present Charter shall come into force for all Members of the United Nations when they have been adopted by a vote of two thirds of the members of the General Assembly and ratified in accordance with their respective constitutional processes by two thirds of the Members of the United Nations, including all the permanent members of the Security Council.",

WHEREAS the General Assembly of the United Nations adopted on 17 December 1963, in accordance with the said Article 108, the amendments to Articles 23, 27 and 61 of the Charter of the United Nations as set forth in resolutions 1991 A and B (XVIII),

WHEREAS the requirements of the said Article 108 with respect to the ratification of the above-mentioned amendments were fulfilled by 31 August 1965, as shown in the Annex to this Protocol, and the said amendments entered into force on that day for all Members of the United Nations,

AND WHEREAS the text of Articles 23, 27 and 61 of the Charter of the United Nations as amended reads as follows:

"Article 23

"1. The Security Council shall consist of fifteen Members of the United Nations. The Republic of China, France, the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland, and the United States of America shall be permanent members of the Security Council. The General Assembly shall elect ten other Members of the United Nations to be non-permanent members of the Security Council, due regard being specially paid, in the first instance to the contribution of Members of the United Nations to the maintenance of international peace and security and to the other purposes of the Organization, and also to equitable geographical distribution.

"2. The non-permanent members of the Security Council shall be elected for a term of two years. In the first election of the non-permanent members after the increase of the membership of the Security Council from eleven to fifteen, two of the four additional members shall be chosen for a term of one year. A retiring member shall not be eligible for immediate re-election.

"3. Each member of the Security Council shall have one representative.",

"Article 27

"1. Each member of the Security Council shall have one vote.

"2. Decisions of the Security Council on procedural matters shall be made by an affirmative vote of nine members.

"3. Decisions of the Security Council on all other matters shall be made by an affirmative vote of nine members including the concurring votes of the permanent members; provided that, in decisions under Chapter VI, and under paragraph 3 of Article 52, a party to a dispute shall abstain from voting.",

"Article 61

"1. The Economic and Social Council shall consist of twenty-seven Members of the United Nations elected by the General Assembly.

"2. Subject to the provisions of paragraph 3, nine members of the Economic and Social Council shall be elected each year for a term of three years. A retiring member shall be eligible for immediate re-election.

"3. At the first election after the increase in the membership of the Economic and Social Council from eighteen to twenty-seven members, in addition to the members elected in place of the six members whose term of office expires at the end of that year, nine additional members shall be elected. Of these nine additional members, the term of office of three members so elected shall expire at the end of one year, and of three other members at the end of two years, in accordance with arrangements made by the General Assembly.

"4. Each member of the Economic and Social Council shall have one representative.",

NOW, THEREFORE, I, U THANT, Secretary-General of the United Nations, sign this Protocol in two original copies in the Chinese, English, French, Russian and Spanish languages, of which one shall be deposited in the archives of the Secretariat of the United Nations and the other transmitted to the Government of the United States of America as the depositary of the Charter of the United Nations. Copies of this Protocol shall be communicated to all Members of the United Nations.

DONE AT THE HEADQUARTERS OF THE UNITED NATIONS, NEW YORK, this thirty-first day of August, one thousand nine hundred and sixty-five.

U THANT
Secretary-General

Annex

TO THE PROTOCOL OF ENTRY INTO FORCE OF THE AMENDMENTS TO ARTICLES 23, 27 AND 61 OF THE CHARTER OF THE UNITED NATIONS, ADOPTED BY THE GENERAL ASSEMBLY RESOLUTIONS 1991 A AND B (XVIII) OF 17 DECEMBER 1963

List of Members having deposited instruments of ratification of the above-mentioned amendments with the Secretary-General as at 31 August 1965:

Member	*Date of deposit*
Jamaica	12 March 1964
Thailand	23 March 1964
Algeria	26 March 1964
Ghana	4 May 1964
Tunisia	29 May 1964
Cameroon	25 June 1964
Ethiopia	22 July 1964
Central African Republic	6 August 1964

Member	*Date of deposit*
Jordan	7 August 1964
Gabon	11 August 1964
Upper Volta	11 August 1964
Trinidad and Tobago	18 August 1964
Guinea	19 August 1964
Togo	19 August 1964
New Zealand	26 August 1964
Libya	27 August 1964
Niger	8 September 1964
Canada	9 September 1964
India	10 September 1964
Liberia	21 September 1964
Mali	23 September 1964
Ivory Coast	2 October 1964
Austria	7 October 1964
Costa Rica	7 October 1964
United Republic of Tanzania	7 October 1964
Ireland	27 October 1964
Kenya	28 October 1964
Chad	2 November 1964
Iceland	6 November 1964
Morocco	9 November 1964
Philippines	9 November 1964
Ceylon	13 November 1964
Rwanda	17 November 1964
Iraq	25 November 1964
El Salvador	1 December 1964
Nepal	3 December 1964
Nigeria	5 December 1964
Albania	7 December 1964
Yugoslavia	9 December 1964
Madagascar	14 December 1964
Netherlands	14 December 1964
United Arab Republic	16 December 1964
Norway	17 December 1964
Sweden	18 December 1964
Cuba	22 December 1964
Brazil	23 December 1964
Kuwait	28 December 1964
Poland	8 January 1965
Denmark	12 January 1965
Iran	12 January 1965
Bulgaria	13 January 1965
Finland	18 January 1965
Czechoslovakia	19 January 1965
Mauritania	29 January 1965
Romania	5 February 1965
Union of Soviet Socialist Republics	10 February 1965
Uganda	10 February 1965
Hungary	23 February 1965
Syrian Arab Republic	24 February 1965
Afghanistan	25 February 1965
Mongolia	10 March 1965
Pakistan	25 March 1965
Sierra Leone	25 March 1965
Laos	20 April 1965
Senegal	23 April 1965
Zambia	28 April 1965

Member	*Date of deposit*
Belgium	29 April 1965
Mexico	5 May 1965
Sudan	7 May 1965
Israel	13 May 1965
Ukrainian Soviet Socialist Republic	17 May 1965
Malaysia	26 May 1965
Malawi	2 June 1965
Burma	3 June 1965
Japan	4 June 1965
United Kingdom of Great Britain and Northern Ireland	4 June 1965
Australia	9 June 1965
Saudi Arabia	17 June 1965
Byelorussian Soviet Socialist Republic	22 June 1965
Malta	23 June 1965
Turkey	1 July 1965
Congo (Brazzaville)	7 July 1965
Yemen	7 July 1965
Panama	27 July 1965
Greece	2 August 1965
China	2 August 1965
Spain	5 August 1965
Paraguay	17 August 1965
Guatemala	18 August 1965
Burundi	23 August 1965
France	24 August 1965
Italy	25 August 1965
Chile	31 August 1965
Ecuador	31 August 1965
United States of America	31 August 1965

Total number of instruments deposited:		95
Membership in the United Nations as at 31 August 1965:		114
Number of ratifications required under Article 108 of the Charter of the United Nations to bring the amendments into force (two thirds of the Members of the United Nations, including all the permanent members of the Security Council):		76
The last of the instruments of ratification of the permanent members of the Security Council was deposited on:	31 August	1965
Date of entry into force of the amendments for all the Members of the United Nations:	31 August	1965

---

2. UNITED NATIONS CONFERENCE ON TRANSIT TRADE OF LAND-LOCKED COUNTRIES

(a) Convention on Transit Trade of Land-Locked States. Done at New York on 8 July 1965

PREAMBLE

The States Parties to the present Convention,

Recalling that article 55 of its charter requires the United Nations to promote conditions of economic progress and solutions of international economic problems,

Noting General Assembly resolution 1028 (XI) on the land-locked countries and the expansion of international trade which, "recognizing the need of land-locked countries for adequate transit facilities in promoting international trade", invited "the Governments of Member States to give full recognition to the needs of land-locked Member States in the matter of transit trade and, therefore, to accord them adequate facilities in terms of international law and practice in this regard, bearing in mind the future requirements resulting from the economic development of the land-locked countries",

Recalling article 2 of the Convention on the High Seas which states that the high seas being open to all nations, no State may validly purport to subject any part of them to its sovereignty and article 3 of the said Convention which states:

"1. In order to enjoy the freedom of the seas on equal terms with coastal States, States having no sea-coast should have free access to the sea. To this end States situated between the sea and a State having no sea-coast shall by common agreement with the latter and in conformity with existing international conventions accord:

(*a*) To the State having no sea-coast, on a basis of reciprocity, free transit through their territory; and

(*b*) To ships flying the flag of that State treatment equal to that accorded to their own ships, or to the ships of any other States, as regards access to seaports and the use of such ports.

"2. States situated between the sea and a State having no sea-coast shall settle, by mutual agreement with the latter, and taking into account the rights of the coastal State or State of transit and the special conditions of the State having no sea-coast, all matters relating to freedom of transit and equal treatment in ports, in case such States are not already parties to existing international conventions."

Reaffirming the following principles adopted by the United Nations Conference on Trade and Development with the understanding that these principles are interrelated and each principle should be construed in the context of the other principles:

Principle I

The recognition of the right of each land-locked State of free access to the sea is an essential principle for the expansion of international trade and economic development.

Principle II

In territorial and on internal waters, vessels flying the flag of land-locked countries should have identical rights and enjoy treatment identical to that enjoyed by vessels flying the flag of coastal States other than the territorial State.

Principle III

In order to enjoy the freedom of the seas on equal terms with coastal States, States having no sea-coast should have free access to the sea. To this end States situated between the sea and a State having no sea-coast shall by common agreement with the latter and in conformity with existing international conventions accord to ships flying the flag of that State treatment equal to that accorded to their own ships or to the ships of any other State as regards access to seaports and the use of such ports.

Principle IV

In order to promote fully the economic development of the land-locked countries, the said countries should be afforded by all States, on the basis of reciprocity, free and unrestrict-

ed transit, in such a manner that they have free access to regional and international trade in all circumstances and for every type of goods.

Goods in transit should not be subject to any customs duty.

Means of transport in transit should not be subject to special taxes or charges higher than those levied for the use of means of transport of the transit country.

Principle V

The State of transit, while maintaining full sovereignty over its territory, shall have the right to take all indispensable measures to ensure that the exercise of the right of free and unrestricted transit shall in no way infringe its legitimate interests of any kind.

Principle VI

In order to accelerate the evolution of a universal approach to the solution of the special and particular problems of trade and development of land-locked countries in the different geographical areas, the conclusion of regional and other international agreements in this regard should be encouraged by all States.

Principle VII

The facilities and special rights accorded to land-locked countries in view of their special geographical position are excluded from the operation of the most-favoured-nation clause.

Principle VIII

The principles which govern the right of free access to the sea of the land-locked State shall in no way abrogate existing agreements between two or more contracting parties concerning the problems, nor shall they raise an obstacle as regards the conclusions of such agreements in the future, provided that the latter do not establish a régime which is less favourable than or opposed to the above-mentioned provisions.

Have agreed as follows:

Article 1

Definitions

For the purpose of this Convention,

(*a*) the term "land-locked State" means any Contracting State which has no sea-coast;

(*b*) the term "traffic in transit" means the passage of goods including unaccompanied baggage across the territory of a Contracting State between a land-locked State and the sea when the passage is a portion of a complete journey which begins or terminates within the territory of that land-locked State and which includes sea transport directly preceding or following such passage. The trans-shipment, warehousing, breaking bulk, and change in the mode of transport of such goods as well as the assembly, disassembly or reassembly of machinery and bulky goods shall not render the passage of goods outside the definition of "traffic in transit" provided that any such operation is undertaken solely for the convenience of transportation. Nothing in this paragraph shall be construed as imposing an obligation on any Contracting State to establish or permit the establishment of permanent facilities on its territory for such assembly, disassembly or reassembly;

(*c*) the term "transit State" means any Contracting State with or without a sea-coast, situated between a land-locked State and the sea, through whose territory "traffic in transit" passes;

(*d*) the term "means of transport" includes:

(i) any railway stock, seagoing and river vessels and road vehicles;

(ii) where the local situation so requires porters and pack animals;

(iii) if agreed upon by the Contracting States concerned,

other means of transport and pipelines and gas lines when they are used for traffic in transit within the meaning of this article.

Article 2

Freedom of transit

1. Freedom of transit shall be granted under the terms of this Convention for traffic in transit and means of transport. Subject to the other provisions of this Convention, the measures taken by Contracting States for regulating and forwarding traffic across their territory shall facilitate traffic in transit on routes in use mutually acceptable for transit to the Contracting States concerned. Consistent with the terms of this Convention, no discrimination shall be exercised which is based on the place of origin, departure, entry, exit or destination or on any circumstances relating to the ownership of the goods or the ownership, place of registration or flag of vessels, land vehicles or other means of transport used.

2. The rules governing the use of means of transport, when they pass across part or the whole of the territory of another Contracting State, shall be established by common agreement among the Contracting States concerned, with due regard to the multilateral international conventions to which these States are parties.

3. Each Contracting State shall authorize, in accordance with its laws, rules and regulations, the passage across or access to its territory of persons whose movement is necessary for traffic in transit.

4. The Contracting States shall permit the passage of traffic in transit across their territorial waters in accordance with the principles of customary international law or applicable international conventions and with their internal regulations.

Article 3

Customs duties and special transit dues

Traffic in transit shall not be subjected by any authority within the transit State to customs duties or taxes chargeable by reason of importation or exportation nor to any special dues in respect of transit. Nevertheless on such traffic in transit there may be levied charges intended solely to defray expenses of supervision and administration entailed by such transit. The rate of any such charges must correspond as nearly as possible with the expenses they are intended to cover and, subject to that condition, the charges must be imposed in conformity with the requirement of non-discrimination laid down in article 2, paragraph 1.

Article 4

Means of transport and tariffs

1. The Contracting States undertake to provide, subject to availability, at the points of entry and exit, and as required at points of trans-shipment, adequate means of transport and handling equipment for the movement of traffic in transit without unnecessary delay.

2. The Contracting States undertake to apply to traffic in transit, using facilities operated or administered by the State, tariffs or charges which, having regard to the conditions of the traffic and to considerations of commercial competition, are reasonable as regards both their rates and the method of their application. These tariffs or charges shall be so fixed as to facilitate traffic in transit as much as possible, and shall not be higher than the tariffs or charges applied by Contracting States for the transport through their territory of goods of countries with access to the sea. The provisions of this paragraph shall also extend to the tariffs and charges applicable to traffic in transit using facilities operated or administered by firms or individuals, in cases in which the tariffs or charges are fixed or subject to control by the Contracting State. The term "facilities" used in this paragraph shall comprise means of transport, port installations and routes for the use of which tariffs or charges are levied.

3. Any haulage service established as a monopoly on waterways used for transit must be so organized as not to hinder the transit of vessels.

4. The provisions of this article must be applied under the conditions of non-discrimination laid down in article 2, paragraph 1.

Article 5

Methods and documentation in regard to customs, transport, etc.

1. The Contracting States shall apply administrative and customs measures permitting the carrying out of free, uninterrupted and continuous traffic in transit. When necessary, they should undertake negotiations to agree on measures that ensure and facilitate the said transit.

2. The Contracting States undertake to use simplified documentation and expeditious methods in regard to customs, transport and other administrative procedures relating to traffic in transit for the whole transit journey on their territory, including any trans-shipment, warehousing, breaking bulk, and changes in the mode of transport as may take place in the course of such journey.

Article 6

Storage of goods in transit

1. The conditions of storage of goods in transit at the points of entry and exit, and at intermediate stages in the transit State may be established by agreement between the States concerned. The transit States shall grant conditions of storage at least as favourable as those granted to goods coming from or going to their own countries.

2. The tariffs and charges shall be established in accordance with article 4.

Article 7

Delays or difficulties in traffic in transit

1. Except in cases of *force majeure* all measures shall be taken by Contracting States to avoid delays in or restrictions on traffic in transit.

2. Should delays or other difficulties occur in traffic in transit, the competent authorities of the transit State or States and of the land-locked State shall co-operate towards their expeditious elimination.

Article 8

Free zones or other customs facilities

1. For convenience of traffic in transit, free zones or other customs facilities may be provided at the ports of entry and exit in the transit States, by agreement between those States and the land-locked States.

2. Facilities of this nature may also be provided for the benefit of land-locked States in other transit States which have no sea coast or seaports.

Article 9

Provision of greater facilities

This Convention does not entail in any way the withdrawal of transit facilities which are greater than those provided for in the Convention and which under conditions consistent with its principles, are agreed between Contracting States or granted by a Contracting State. The Convention also does not preclude such grant of greater facilities in the future.

Article 10

Relation to most-favoured-nation clause

1. The Contracting States agree that the facilities and special rights accorded by this Convention to land-locked States in view of their special geographical position are excluded from the operation of the most-favoured-nation clause. A land-locked State which is not a Party to this Convention may claim the facilities and special rights accorded to land-locked States under this Convention only on the basis of the most-favoured-nation clause of a treaty between that land-locked State and the Contracting State granting such facilities and special rights.

2. If a Contracting State grants to a land-locked State facilities or special rights greater than those provided for in this Convention, such facilities or special rights may be limited to that land-locked State, except in so far as the withholding of such greater facilities or special rights from any other land-locked State contravenes the most-favoured-nation provision of a treaty between such other land-locked State and the Contracting State granting such facilities or special rights.

Article 11

Exceptions to Convention on grounds of public health, security, and protection of intellectual property

1. No Contracting State shall be bound by this Convention to afford transit to persons whose admission into its territory is forbidden, or for goods of a kind of which the importation is prohibited, either on grounds of public morals, public health or security, or as a precaution against diseases of animals or plants or against pests.

2. Each Contracting State shall be entitled to take reasonable precautions and measures to ensure that persons and goods, particularly goods which are the subject of a monopoly, are really in transit, and that the means of transport are really used for the passage of such goods, as well as to protect the safety of the routes and means of communication.

3. Nothing in this Convention shall affect the measures which a Contracting State may be called upon to take in pursuance of provisions in a general international convention, whether of a world-wide or regional character, to which it is a party, whether such convention was already concluded on the date of this Convention or is concluded later, when such provisions relate:

(*a*) to export or import or transit of particular kinds of articles such as narcotics, or other dangerous drugs, or arms; or

(*b*) to protection of industrial, literary or artistic property, or protection of trade names, and indications of source or appellations of origin, and the suppression of unfair competition.

4. Nothing in this Convention shall prevent any Contracting State from taking any action necessary for the protection of its essential security interests.

Article 12

Exceptions in case of emergency

The measures of a general or particular character which a Contracting State is obliged to take in case of an emergency endangering its political existence or its safety may, in exceptional cases and for as short a period as possible, involve a deviation from the provisions of this Convention on the understanding that the principle of freedom of transit shall be observed to the utmost possible extent during such a period.

Article 13

Application of the Convention in time of war

This Convention does not prescribe the rights and duties of belligerents and neutrals in time of war. The Convention shall, however, continue in force in time of war so far as such rights and duties permit.

Article 14

Obligations under the Convention and rights and duties of United Nations Members

This Convention does not impose upon a Contracting State any obligation conflicting with its rights and duties as a Member of the United Nations.

Article 15

Reciprocity

The provisions of this Convention shall be applied on a basis of reciprocity.

Article 16

Settlement of disputes

1. Any dispute which may arise with respect to the interpretation or application of the provisions of this Convention which is not settled by negotiation or by other peaceful means of settlement within a period of nine months shall, at the request of either party, be settled by arbitration. The arbitration commission shall be composed of three members. Each party to the dispute shall appoint one member to the commission, while the third member, who shall be the Chairman, shall be chosen in common agreement between the parties. If the parties fail to agree on the designation of the third member within a period of three months, the third member shall be appointed by the President of the International Court of Justice. In case any of the parties fail to make an appointment within a period of three months the President of the International Court of Justice shall fill the remaining vacancy or vacancies.

2. The arbitration commission shall decide on the matters placed before it by simple majority and its decisions shall be binding on the parties.

3. Arbitration commissions or other international bodies charged with settlement of disputes under this Convention shall inform, through the Secretary-General of the United Nations, the other Contracting States of the existence and nature of disputes and of the terms of their settlement.

Article 17

Signature

The present Convention shall be open until 31 December 1965 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.

Article 18

Ratification

The present Convention is subject to ratification. The instruments of ratification shall be deposited with the Secretary-General of the United Nations.

Article 19

Accession

The present Convention shall remain open for accession by any State belonging to any of the four categories mentioned in article 17. The instruments of accession shall be deposited with the Secretary-General of the United Nations.

Article 20

Entry into force

1. The present Convention shall enter into force on the thirtieth day following the date of deposit of the instruments of ratification or accession of at least two land-locked States and two transit States having a sea coast.

2. For each State ratifying or acceding to the Convention after the deposit of the instruments of ratification or accession necessary for the entry into force of this Convention in accordance with paragraph 1 of this article, the Convention shall enter into force on the thirtieth day after the deposit by such State of its instrument of ratification or accession.

Article 21

Revision

At the request of one third of the Contracting States, and with the concurrence of the majority of the Contracting States, the Secretary-General of the United Nations shall convene a Conference with a view to the revision of this Convention.

Article 22

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 17:

(*a*) of signatures to the present Convention and of the deposit of instruments of ratification or accession, in accordance with articles 17, 18 and 19;

(*b*) of the date on which the present Convention will enter into force, in accordance with article 20;

(*c*) of requests for revision, in accordance with article 21.

Article 23

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 17.

In witness whereof the undersigned Plenipotentiaries, being duly authorized thereto by their respective Governments, have signed the present Convention.

Done at the Headquarters of the United Nations, New York, this eighth day of July, one thousand nine hundred and sixty-five.

(b) Resolutions adopted by the Conference

I. RESOLUTION ON FACILITATION OF MARITIME TRADE OF LAND-LOCKED COUNTRIES, ADOPTED BY THE CONFERENCE AT ITS 34TH PLENARY MEETING HELD ON 6 JULY 1965

The United Nations Conference on Transit Trade of Land-Locked Countries, 1965,

Recognizing that the Convention on Facilitation of International Maritime Traffic, 1965, and its Annex, adopted at the International Conference on Facilitation of Maritime Travel and Transport, held in London in 1965, is applicable to the maritime trade of land-locked countries through the operation of paragraph two of article Two of that Convention,

Considering that the application of that Convention and its Annex may greatly benefit maritime travel and transport, including the flow of transit trade of land-locked countries,

Invites the attention of the States represented at this Conference to the Final Act of the International Conference on Facilitation of Maritime Travel and Transport, 1965, which includes the Convention on Facilitation of International Maritime Traffic adopted by that Conference, and

Expresses the hope that the Inter-Governmental Maritime Consultative Organization will take appropriate measures within the scope of the above-mentioned Convention and its Annex and Resolutions Four and Five of the Conference on Facilitation of Maritime Travel and Transport, to facilitate the transit trade of land-locked countries.

II. RESOLUTION ADOPTED BY THE CONFERENCE AT ITS 36TH PLENARY MEETING HELD ON 8 JULY 1965

The Conference on Transit Trade of Land-locked Countries,

Noting the joint effort made by the participating States to adopt a Convention for recognizing the need of land-locked countries for adequate transit facilities in promoting international trade,

Recognizing that as the transit trade of land-locked countries, comprising one fifth of the nations of the world, is of the utmost importance to economic co-operation and expansion of international trade,

Recommends that all States which have been invited to the Conference examine, as soon as possible and in a sympathetic spirit, the possibility of becoming Parties to the Convention,

Further recommends that the Trade and Development Conference and its organs should give close and serious attention to the importance of the provisions of the Convention on Transit Trade of Land-locked States adopted at United Nations Headquarters on 8 July 1965,

Recommends that the Secretary-General through the technical co-operation organs of the United Nations and through the regional economic commissions should extend assistance in furthering transit trade to the members of the United Nations land-locked or transit States alike upon their request, within the framework of the established procedures of the United Nations and its related agencies.

B. Treaties concerning international law concluded under the auspices of inter-governmental organizations related to United Nations

1. FOOD AND AGRICULTURE ORGANIZATION OF THE UNITED NATIONS

AMENDMENTS TO THE FAO CONSTITUTION

(a) Amendment to the Preamble of the Constitution: Resolution No. 12/65 (Amendment of the Preamble of the Constitution)

The Conference

Considering that the ultimate aim of all the work of the Organization as reflected in its purposes, functions and responsibilities, embodied in the Constitution of the Organization is to ensure the fundamental right of everyone to be free from hunger;

Decides to amend the Preamble of the Constitution of the Organization by the addition of the words underlined below:

"The Nations accepting this Constitution, being determined to promote the common welfare by furthering separate and collective action on their part for the purpose of:

raising levels of nutrition and standards of living of peoples under their respective jurisdictions;

securing improvements in the efficiency of the production and distribution of all food and agricultural products;

bettering the condition of rural populations;

and thus contributing toward an expanding world economy *and ensuring humanity's freedom from hunger;*

hereby establish the Food and Agriculture Organization of the United Nations, hereinafter referred to as the "Organization", through which the Members will report to one another on the measures taken and the progress achieved in the field of action set forth above."

1 December 1965

(b) Amendment to Article V-1 of the Constitution

Article V-1:[1]

"A Council of the Organization consisting of [twenty-seven] *thirty-one* Member Nations shall be elected by the Conference..."

[1] Words in italics to be added, bracketed words to be omitted.

(c) Amendment to Article V-6 of the Constitution: Resolution No. 13/65 (Committee on Fisheries)

The Conference

Noting that one of the major proposals prepared by the Director-General in response to Resolution 8/63 adopted at the Twelfth Session of the Conference is for the establishment of a permanent Committee on Fisheries within the framework of FAO;

Agreeing with the view expressed by the Council at its Forty-Third Session that the desired ends in international collaboration in fisheries might best be achieved through the establishment of a permanent Committee on Fisheries, consisting of selected Member Nations to deal with these matters and to advise the Conference and Council as well as the Director-General on the formulation, implementation and co-ordination of policy and on the Organization's programmes and activities in this field;

Agreeing further with the recommendation made by the Council at its Forty-Fourth Session that, in view of the considerations set out in the Director-General's proposals and the comments made at the *Ad Hoc* Committee on Conference Resolution 8/63 established by the Council at its Forty-Third Session, a Committee on Fisheries should be established by amending Article V of the Constitution, and that the composition and terms of reference of such a Committee should be governed by a Rule to be added to the General Rules of the Organization;

Also agreeing with the further recommendation by the Forty-Fourth Session of the Council that non-Member Nations should be eligible for membership in the subsidiary bodies of the Committee on Fisheries in the same way as they are for membership in Commodity Study Groups;

Adopts the following amendment to Article V-6 of the Constitution (words in italics to be added);

> "6. To assist the Council in performing its functions, the Council shall appoint a Programme Committee, a Finance Committee, a Committee on Commodity Problems, *a Committee on Fisheries* and a Committee on Constitutional and Legal Matters. These Committees shall report to the Council and their composition and terms of reference shall be governed by rules adopted by the Conference."

Amends the General Rules of the Organization by adding after Rule XXIX a new Rule XXX, the text of which shall read as follows:

Rule XXX

Committee on Fisheries

1. The Committee on Fisheries provided for in paragraph 6 of Article V of the Constitution shall be composed of not more than thirty Member Nations elected by the Council for a period of two years at the session of the Council immediately following the regular session of the Conference. In selecting the members of the Committee the Council shall give due consideration to the desirability of ensuring adequate representation both of nations with special interests in fisheries and of nations having interests in different parts of the oceans and inland waters. The Council shall, as well, give due consideration to continuity of experience in matters dealt with by the Committee. The members of the Committee shall be eligible for re-election. The Committee shall elect its own Chairman from among its members.

...

6. The Committee shall:

...

...

(*d*) Consider the desirability of preparing and submitting to Member Nations an international convention under Article XIV of the Constitution to ensure effective international co-operation and consultation in fisheries on a world scale;

...

10. The Committee may, when necessary, establish sub-committees, subsidiary working parties or study groups subject to the necessary funds being available in the relevant chapter of the approved budget of the Organization, and may include in the membership of such sub-committees, subsidiary working parties or study groups Member Nations that are not members of the Committee and Associate Members. The Council may admit to membership of sub-committees, subsidiary working parties and study groups established by the Committee nations which, while not Member Nations or Associated Members of the Organization, are members of the United Nations. Former Member Nations of the Organization that have withdrawn leaving arrears of contributions shall not be admitted to membership until such time as they have paid up all such arrears, or the Conference has approved an arrangement for the settlement thereof, or unless the Council in special circumstances decides otherwise with respect to such admission.

1 December 1965

---

2. INTERNATIONAL TELECOMMUNICATION UNION

(a) International Telecommunication Convention (Montreux, 1965). Done at Montreux on 12 November 1965

PREAMBLE

1 While fully recognizing the sovereign right of each country to regulate its telecommunication, the plenipotentiaries of the Contracting Governments, with the object of facilitating relations and co-operation between the peoples by means of efficient telecommunication services, have agreed to conclude the following Convention.

2 The countries and groups of territories which become parties to the present Convention constitute the International Telecommunication Union.

CHAPTER I

Composition, Purposes and Structure of the Union

Article 1

Composition of the Union

3 1. The International Telecommunication Union shall comprise Members and Associate Members.

4 2. A Member of the Union shall be:

(*a*) any country or group of territories listed in Annex 1 upon signature and ratification of, or accession to, this Convention by it or on its behalf;

5 (*b*) any country, not listed in Annex 1, which becomes a Member of the United Nations and which accedes to this Convention in accordance with Article 19;

6 (*c*) any sovereign country, not listed in Annex 1 and not a Member of the United Nations, which applies for Membership of the Union and which, after having secured approval of such application by two-thirds of the Members of the Union, accedes to this Convention in accordance with Article 19.

7 3. An Associate Member of the Union shall be:

(*a*) any country which has not become a Member of the Union in accordance with 4 to 6, by acceding to this Convention in accordance with Article 19, after its

application for Associate Membership has received approval by a majority of the Members of the Union;

8 (*b*) any territory or group of territories not fully responsible for the conduct of its international relations, on behalf of which a Member of the Union has signed and ratified or has acceded to this Convention in accordance with Article **19** or **20**, provided that its application for Associate Membership is sponsored by such a Member, after the application has received approval by a majority of the Members of the Union;

9 (*c*) any trust territory on behalf of which the United Nations has acceded to this Convention in accordance with Article **21**, and the application of which for Associate Membership has been sponsored by the United Nations.

10 4. If any territory or group of territories, forming part of a group of territories constituting a Member of the Union, becomes or has become an Associate Member of the Union in accordance with **8**, its rights and obligations under this Convention shall be those of an Associate Member only.

11 5. For the purpose of **6**, **7** and **8**, if an application for Membership or Associate Membership is made, by diplomatic channel and through the intermediary of the country of the seat of the Union, during the interval between two Plenipotentiary Conferences, the Secretary-General shall consult the Members of the Union; a Member shall be deemed to have abstained if it has not replied within four months after its opinion has been requested.

Article 2

Rights and Obligations of Members and Associate Members

12 1. (1) All Members shall be entitled to participate in conferences of the Union and shall be eligible for election to any of its organs.

13 (2) Each Member shall have one vote at all conferences of the Union, at meetings of the International Consultative Committees in which it participates and, if it is a Member of the Administrative Council, at all sessions of that Council.

14 (3) Each Member shall also have one vote in all consultations carried out by correspondence.

15 2. Associate Members shall have the same rights and obligations as Members of the Union, except that they shall not have the right to vote in any conference or other organ of the Union or to nominate candidates for membership of the International Frequency Registration Board. They shall not be eligible for election to the Administrative Council.

Article 3

Seat of the Union

16 The seat of the Union shall be at Geneva.

Article 4

Purposes of the Union

17 1. The purposes of the Union are:

(*a*) to maintain and extend international co-operation for the improvement and rational use of telecommunications of all kinds;

18 (*b*) to promote the development of technical facilities and their most efficient operation with a view to improving the efficiency of telecommunication services, increasing their usefuless and making them, so far as possible, generally available to the public;

19 (*c*) to harmonize the actions of nations in the attainment of those common ends.

20 2. To this end, the Union shall in particular:

(*a*) effect allocation of the radio frequency spectrum and registration of radio frequency assignments in order to avoid harmful interference between radio stations of different countries;

21 (*b*) co-ordinate efforts to eliminate harmful interference between radio stations of different countries and to improve the use made of the radio frequency spectrum;

22 (*c*) foster collaboration among its Members and Associate Members with a view to the establishment of rates at levels as low as possible consistent with an efficient service and taking into account the necessity for maintaining independent financial administration of telecommunication on a sound basis;

23 (*d*) foster the creation, development and improvement of telecommunication equipment and networks in new or developing countries by every means at its disposal, especially its participation in the appropriate programmes of the United Nations;

24 (*e*) promote the adoption of measures for ensuring the safety of life through the co-operation of telecommunication services;

25 (*f*) undertake studies, make regulations, adopt resolutions, formulate recommendations and opinions, and collect and publish information concerning telecommunication matters for the benefit of all Members and Associate Members.

Article 5

Structure of the Union

26 The organization of the Union shall be as follows:

1. the Plenipotentiary Conference, which is the supreme organ of the Union;

27 2. Administrative Conferences;

28 3. the Administrative Council;

29 4. the permanent organs of the Union, which are:

(*a*) the General Secretariat;

30 (*b*) the International Frequency Registration Board (I.F.R.B.);

31 (*c*) the International Radio Consultative Committee (C.C.I.R.);

32 (*d*) the International Telegraph and Telephone Consultative Committee (C.C.I.T.T.).

Article 6

Plenipotentiary Conference

33 1. The Plenipotentiary Conference, supreme organ of the Union, shall be composed of delegations representing Members and Associate Members.

34 2. The Plenipotentiary Conference shall:

(*a*) determine the general policies for fulfilling the purposes of the Union prescribed in Article 4 of this Convention;

35 (*b*) consider the report by the Administrative Council on its activities and those of the Union since the previous Plenipotentiary Conference;

36 (*c*) establish the basis for the budget of the Union and determine a fiscal limit for the expenditure of the Union until the next Plenipotentiary Conference;

37 (*d*) fix the basic salaries, the salary scales and the system of allowances and pensions for all the officials of the Union;

38 (*e*) finally approve the accounts of the Union;

39 (*f*) elect the Members of the Union which are to serve on the Administrative Council;

40 (*g*) elect the Secretary-General and the Deputy Secretary-General and fix the dates of their taking office;

41 (*h*) revise the Convention if it considers this necessary;

42 (*i*) conclude or revise, if necessary, agreements between the Union and other international organizations, examine any provisional agreements with such organizations concluded, on behalf of the Union, by the Administrative Council, and take such measures in connection therewith as it deems appropriate;

43 (*j*) deal with such other telecommunication questions as may be necessary.

44 3. The Plenipotentiary Conference shall normally meet at a date and place decided on by the preceding Plenipotentiary Conference.

45 4. (1) The date and place of the next Plenipotentiary Conference, or either one of these, may be changed:

46 (*a*) when at least one-quarter of the Members and Associate Members of the Union have individually proposed a change to the Secretary-General, or,

47 (*b*) on a proposal of the Administrative Council.

48 (2) In either case a new date or place or both shall be determined with the concurrence of a majority of the Members of the Union.

Article 7

Administrative Conferences

49 1. Administrative conferences of the Union shall comprise:

(*a*) world administrative conferences;

50 (*b*) regional administrative conferences.

51 2. Administrative conferences shall normally be convened to consider specific telecommunication matters. Only items included in their agenda may be discussed by such conferences. The decisions of such conferences must in all circumstances be in conformity with the provisions of the Convention.

52 3. (1) The agenda of a world administrative conference may include:

(*a*) the partial revision of the Administrative Regulations listed in 203;

53 (*b*) exceptionally, the complete revision of one or more of those Regulations;

54 (*c*) any other question of a worldwide character within the competence of the conference.

55 (2) The agenda of a regional administrative conference may provide only for specific telecommunication questions of a regional nature, including instructions to the International Frequency Registration Board regarding its activities in respect of the region concerned, provided such instructions do not conflict with the interests of other regions. Furthermore, the decisions of such a conference must in all circumstances be in conformity with the provisions of the Administrative Regulations.

56 4. (1) The agenda of an administrative conference shall be determined by the Administrative Council with the concurrence of a majority of the Members of the Union in the case of a world administrative conference, or of a majority of the Members belonging to the region concerned in the case of a regional administrative conference, subject to the provisions of **76**.

57 (2) This agenda shall include any question which a Plenipotentiary Conference has directed to be placed on the agenda.

58 (3) The following items may also be included in the agenda of a world administrative conference dealing with radiocommunication:

(*a*) the election of the members of the International Frequency Registration Board in accordance with **172** to **174**;

59 (*b*) instructions to the Board regarding its activities and a review of those activities.

60 5. (1) A world administrative conference shall be convened:

(*a*) by a decision of a Plenipotentiary Conference which may fix the date and place of its meeting;

61 (*b*) on the recommendation of a previous world administrative conference;

62 (*c*) at the request of at least one-quarter of the Members and Associate Members of the Union, who shall individually address their requests to the Secretary-General; or

63 (*d*) on a proposal of the Administrative Council.

64 (2) In the cases specified in **61**, **62** and **63** and, if necessary, in the case specified in **60**, the date and place of meeting shall be determined by the Administrative Council with the concurrence of a majority of the Members of the Union, subject to the provisions of **76**.

65 6. (1) A regional administrative conference shall be convened:

(*a*) by a decision of a Plenipotentiary Conference;

66 (*b*) on the recommendation of a previous world or regional administrative conference;

67 (*c*) at the request of at least one-quarter of the Members and Associate Members belonging to the region concerned, who shall individually address their requests to the Secretary-General; or

68 (*d*) on a proposal of the Administrative Council.

69 (2) In the cases specified in **66**, **67** and **68** and, if necessary, in the case specified in **65**, the date and place of meeting shall be determined by the Administrative Council with the concurrence of a majority of the Members of the Union belonging to the region concerned, subject to the provisions of **76**.

70 7. (1) The agenda, or date or place of an administrative conference may be changed;

(*a*) at the request of at least one-quarter of the Members and Associate Members of the Union, in the case of a world administrative conference, or of at

least one-quarter of the Members and Associate Members of the Union belonging to the region concerned in the case of a regional administrative conference. Their requests shall be addressed individually to the Secretary-General, who shall transmit them to the Administrative Council for approval; or

71 (*b*) on a proposal of the Administrative Council.

72 (2) In cases specified in **70** and **71**, the changes proposed shall not be finally adopted until accepted by a majority of the Members of the Union, in the case of a world administrative conference, or of a majority of the Members of the Union belonging to the region concerned, in the case of a regional administrative conference, subject to the provisions of **76**.

73 8. (1) The Administrative Council may deem it advisable for the main session of an administrative conference to be preceded by a preparatory meeting to draw up proposals for the technical bases of the work of the conference.

74 (2) The convening of such a preparatory meeting and its agenda must be approved by a majority of the Members of the Union in the case of a world administrative conference, or by a majority of the Members of the Union belonging to the region concerned in the case of a regional administrative conference, subject to the provisions of **76**.

75 (3) Unless the Plenary Meeting of a preparatory session of an administrative conference decides otherwise, the texts finally approved by it will be assembled in a report which will also be approved by a Plenary Meeting and signed by the Chairman.

76 9. In the consultations referred to **in 56, 64, 69, 72** and **74**, Members of the Union who have not replied within the time limits specified by the Administrative Council shall be regarded as not participating in the consultations, and in consequence shall not be taken into account in computing the majority. If the number of replies does not exceed one-half of the Members consulted, a further consultation shall take place.

Article 8

Rules of Procedure of Conferences and Assemblies

77 For the organization of their work and the conduct of their discussions, conferences and assemblies shall apply the Rules of Procedure in the General Regulations annexed to the Convention. However, each conference or assembly may adopt such rules of procedure, in amplification of those in Chapter **9** of the General Regulations, which it considers to be indispensable, provided that such additional rules of procedure are compatible with the Convention and the General Regulations.

Article 9

Administrative Council

A. Organization and working arrangements

78 1. (1) The Administrative Council shall be composed of twenty-nine Members of the Union elected by the Plenipotentiary Conference with due regard to the need for equitable representation of all parts of the world. The Members of the Union elected to the Council shall hold office until the date on which a new Council is elected by the Plenipotentiary Conference. They shall be eligible for re-election.

79 (2) If between two Plenipotentiary Conferences a seat becomes vacant on the Administrative Council, it shall pass by right to the Member of the Union from the same

region as the Member whose seat is vacated, which had obtained at the previous election the largest number of votes among those not elected.

80 (3) A seat on the Administrative Council shall be considered vacant:

(*a*) when a Council Member does not have a representative in attendance at two consecutive annual sessions of the Administrative Council;

81 (*b*) when a Member of the Union resigns its membership on the Council.

82 2. Each of the Members of the Administrative Council shall appoint to serve on the Council a person who shall, so far as possible, be an official serving in, or directly responsible to, or for, their telecommunications administration and qualified in the field of telecommunication services.

83 3. Each Member of the Administrative Council shall have one vote.

84 4. The Administrative Council shall adopt its own Rules of Procedure.

85 5. The Administrative Council shall elect its own Chairman and Vice-Chairman at the beginning of each annual session. They shall serve until the opening of the next annual session and shall be eligible for re-election. The Vice-Chairman shall serve as Chairman in the absence of the latter.

86 6. (1) The Administrative Council shall hold an annual session at the seat of the Union.

87 (2) During this session it may decide to hold, exceptionally, an additional session.

88 (3) Between ordinary sessions, it may be convened, as a general rule at the seat of the Union, by its Chairman at the request of a majority of its Members.

89 7. The Secretary-General and the Deputy Secretary-General, the Chairman and the Vice-Chairman of the International Frequency Registration Board and the Directors of the International Consultative Committees may participate as of right in the deliberations of the Administrative Council, but without taking part in the voting. Nevertheless, the Council may hold meetings confined to its own members.

90 8. The Secretary-General shall act as Secretary of the Administrative Council.

91 9. (1) In the interval between Plenipotentiary Conferences, the Administrative Council shall act on behalf of the Plenipotentiary Conference within the limits of the powers delegated to it by the latter.

92 (2) The Council shall act only in formal session.

93 10. The representative of each Member of the Administrative Council shall have the right to attend, as an observer, all meetings of the permanent organs of the Union mentioned in **30**, **31** and **32**.

94 11. Only the travelling and subsistence expenses incurred by the representative of each Member of the Administrative Council in this capacity at Council sessions shall be borne by the Union.

B. Duties

95 12. (1) The Administrative Council shall be responsible for taking all steps to facilitate the implementation by the Members and Associate Members of the provisions of the Convention, of the Regulations, of the decisions of the Plenipotentiary Conference, and, where appropriate, of the decisions of other conferences and meetings of the Union.

96 (2) It shall ensure the efficient co-ordination of the work of the Union.

97 13. In particular, the Administrative Council shall:

(*a*) perform any duties assigned to it by the Plenipotentiary Conference;

98 (*b*) in the interval between Plenipotentiary Conferences, be responsible for effecting the co-ordination with all international organizations referred to in Articles **29** and **30**, and to this end, shall conclude, on behalf of the Union, provisional agreements with the international organizations referred to in Article **30**, and with the United Nations in application of the Agreement between the United Nations and the International Telecommunication Union; these provisional agreements shall be submitted to the next Plenipotentiary Conference in accordance with **42**;

99 (*c*) decide on the numbers and grading of the staff of the General Secretariat and of the specialized secretariats of the permanent organs of the Union, taking into account the general directives given by the Plenipotentiary Conference;

100 (*d*) draw up such regulations as it may consider necessary for the administrative and financial activities of the Union; and also the administrative regulations to take account of current practice of the United Nations and of the specialized agencies applying the Common System of pay, allowances and pensions;

101 (*e*) supervise the administrative functions of the Union;

102 (*f*) review and approve the annual budget of the Union, ensuring the strictest possible economy;

103 (*g*) arrange for the annual audit of the accounts of the Union prepared by the Secretary-General and approve them for submission to the next Plenipotentiary Conference;

104 (*h*) adjust as necessary:

1. the basic salary scales for staff in the professional categories and above, excluding the salaries for posts filled by election, to accord with any changes in the basic salary scales adopted by the United Nations for the corresponding Common System categories;

105 2. the basic salary scales for staff in the general service categories to accord with changes in the rates applied by the United Nations organization and the specialized agencies at the seat of the Union;

106 3. the post adjustment for professional categories and above, including posts filled by election, in accordance with decisions of the United Nations for application at the seat of the Union;

107 4. the allowances for all staff of the Union, in accordance with any changes adopted in the United Nations Common System;

108 5. the contributions payable by the Union and the staff to the United Nations Joint Staff Pension Fund, in accordance with the decisions of the United Nations Joint Staff Pension Board;

109 6. the cost-of-living allowances granted to beneficiaries of the Union Staff Superannuation and Benevolent Funds on the basis of practice in the United Nations.

110 (*i*) arrange for the convening of plenipotentiary and administrative conferences of the Union in accordance with Articles **6** and **7**;

111 (*j*) offer to the Plenipotentiary Conference of the Union any recommendations deemed useful;

112 (*k*) co-ordinate the activities of the permanent organs of the Union, take such action as it deems appropriate on requests or recommendations made to it by such organs, and review their annual reports;

113 (*l*) provide, if it considers it desirable, for the filling ad interim of a vacancy for Deputy Secretary-General;

114 (*m*) provide for the filling ad interim of vacancies for Directors of the International Consultative Committees;

115 (*n*) perform the other functions prescribed for it in this Convention and, within the framework of the Convention and the Regulations, any functions deemed necessary for the proper administration of the Union;

116 (*o*) take the necessary steps, with the agreement of a majority of the Members of the Union, provisionally to resolve questions which are not covered by the Convention and its Annexes and cannot await the next competent conference for settlement;

117 (*p*) submit a report on its activities and those of the Union for consideration by the Plenipotentiary Conference;

118 (*q*) send to Members and Associate Members of the Union, as soon as possible after each of its sessions, summary reports on the activities of the Administrative Council and other documents deemed useful;

119 (*r*) promote international co-operation for the provision of technical co-operation to the new or developing countries by every means at its disposal, especially through the participation of the Union in the appropriate programmes of the United Nations; and, in accordance with the purposes of the Union, to promote by all possible means, the development of telecommunication.

Article 10

General Secretariat

120 1. (1) The General Secretariat shall be directed by a Secretary-General, assisted by one Deputy Secretary-General.

121 (2) The Secretary-General and the Deputy Secretary-General shall take up their duties on the dates determined at the time of their election. They shall normally remain in office until dates determined by the following Plenipotentiary Conference, and they shall be eligible for re-election.

122 (3) The Secretary-General shall be responsible to the Administrative Council for all administrative and financial aspects of the Union's activities. The Deputy Secretary-General shall be responsible to the Secretary-General.

123 (4) If the post of Secretary-General falls vacant, the Deputy Secretary-General shall discharge the duties *ad interim*.

124 2. The Secretary-General shall:

(*a*) co-ordinate the activities of the permanent organs of the Union with the assistance of the Co-ordination Committee referred to in Article **11**;

125 (*b*) organize the work of the General Secretariat and appoint the staff of that Secretariat in accordance with the directives of the Plenipotentiary Conference and the rules established by the Administrative Council;

126 (*c*) undertake administrative arrangements for the specialized secretariats of the permanent organs of the Union and appoint the staff of those secretariats in

agreement with the Head of each permanent organ; the appointments shall be made on the basis of the latter's choice, but the final decision for appointment or dismissal shall rest with the Secretary-General;

127 (*d*) report to the Administrative Council any decisions taken by the United Nations and the specialized agencies which affect Common System conditions of service, allowances and pensions;

128 (*e*) ensure the application of the financial and administrative regulations approved by the Administrative Council;

129 (*f*) supervise, for administrative purposes only, the staff of those specialized secretariats who shall work directly under the orders of the Heads of the permanent organs of the Union;

130 (*g*) undertake secretarial work preparatory to, and following, conferences of the Union;

131 (*h*) provide, where appropriate in co-operation with the inviting government, the secretariat of every conference of the Union and provide the facilities and services for meetings of the permanent organs of the Union in collaboration with their respective Heads. The Secretary-General may also, when so requested, provide the secretariat of other telecommunication meetings on a contractual basis;

132 (*i*) keep up-to-date the official lists, compiled from data supplied for this purpose by the permanent organs of the Union or by Administrations, with the exception of the master registers and such other essential records as may be related to the duties of the International Frequency Registration Board;

133 (*j*) publish the recommendations and principal reports of the permanent organs of the Union;

134 (*k*) publish international and regional telecommunication agreements communicated to him by the parties thereto, and keep up-to-date records of these agreements;

135 (*l*) publish the technical standards of the International Frequency Registration Board, as well as such other data concerning the assignment and utilization of frequencies as are prepared by the Board in the discharge of its duties;

136 (*m*) prepare, publish and keep up-to-date with the assistance, where appropriate, of the other permanent organs of the Union:

137 1. a record of the composition and structure of the Union;

138 2. the general statistics and the official service documents of the Union as prescribed by the Regulations annexed to the Convention;

139 3. such other documents as conferences or the Administrative Council may direct;

140 (*n*) distribute the published documents;

141 (*o*) collect and publish, in suitable form, data, both national and international, regarding telecommunication throughout the world;

142 (*p*) assemble and publish, in co-operation with the other permanent organs of the Union, both technical and administrative information that might be specially useful to new or developing countries in order to help them to improve their telecommunication networks. Their attention shall also be drawn to the possibilities offered by the international programmes under the auspices of the United Nations;

143 (*q*) collect and publish such information as would be of assistance to Members and Associate Members regarding the development of technical methods with a view

to achieving the most efficient operation of telecommunication services and especially the best possible use of radio frequencies so as to diminish interference;

144 (*r*) publish periodically, with the help of information put at his disposal or which he may collect, including that which he may obtain from other international organizations, a journal of general information and documentation concerning telecommunication;

145 (*s*) prepare and submit to the Administrative Council annual budget estimates which, after approval by the Council, shall be transmitted for information to all Members and Associate Members;

146 (*t*) prepare a financial operating report and accounts to be submitted annually to the Administrative Council and recapitulative accounts immediately preceding each Plenipotentiary Conference; these accounts, after audit and approval by the Administrative Council, shall be circulated to the Members and Associate Members and be submitted to the next Plenipotentiary Conference for examination and final approval;

147 (*u*) prepare an annual report on the activities of the Union which, after approval by the Administrative Council, shall be transmitted to all Members and Associate Members;

148 (*v*) perform all other secretarial functions of the Union;

149 (*w*) act as the legal representative of the Union.

150 3. The Deputy Secretary-General shall assist the Secretary-General in the performance of his duties and undertake such specific tasks as may be entrusted to him by the Secretary-General. He shall perform the duties of the Secretary-General in the absence of the latter.

151 4. The Secretary-General or the Deputy Secretary-General may participate, in a consultative capacity, in Plenary Assemblies of the International Consultative Committees and in all conferences of the Union; the Secretary-General or his representative may participate in a consultative capacity in all other meetings of the Union; their participation in the meetings of the Administrative Council is governed by **89**.

Article 11

Co-ordination Committee

152 1. (1) The Secretary-General shall be assisted by a Co-ordination Committee which shall advise him on administrative, financial and technical co-operation matters affecting more than one permanent organ and on external relations and public information.

153 (2) The Committee shall also consider any important matters referred to it by the Administrative Council. After examining them, the Committee will report, through the Secretary-General, to the Council.

154 (3) The Committee shall, in particular, help the Secretary-General in the duties assigned to him under **144**, **145**, **146** and **147**.

155 (4) The Committee shall examine the progress of the work of the Union in technical co-operation and submit recommendations, through the Secretary-General, to the Administrative Council.

156 (5) The Committee shall be responsible for ensuring co-ordination with all the international organizations mentioned in Articles **29** and **30** as regards representation of the permanent organs of the Union at conferences of such organizations.

157 2. The Committee shall endeavour to reach conclusions unanimously. The Secretary-General may, however, take decisions even when he does not have the support of two or more other members of the Committee, provided that he judges the matters in question to be of an urgent nature. In such circumstances he shall, if requested by the Committee, report on such matters to the Administrative Council in terms approved by all the members of the Committee. If, in similar circumstances, the matters are not urgent but are important, they shall be referred for consideration to the next session of the Administrative Council.

158 3. The Committee shall be presided over by the Secretary-General and shall be composed of the Deputy Secretary-General, the Directors of the International Consultative Committees and the Chairman of the International Frequency Registration Board.

159 4. The Committee shall meet when convened by its Chairman and, in general, at least once a month.

Article 12

Elected Officials and Staff of the Union

160 1. The Secretary-General, the Deputy Secretary-General and the Directors of the International Consultative Committees shall all be nationals of different countries, Members of the Union. At their election, due consideration should be given to the principles embodied in **164** and to the appropriate geographical representation of the regions of the world.

161 2. (1) In the performance of their duties, neither the elected officials nor the staff of the Union shall seek or accept instructions from any government or from any other authority outside the Union. They shall refrain from acting in any way which is incompatible with their status as international officials.

162 (2) Each Member and Associate Member shall respect the exclusively international character of the duties of the elected officials and of the staff of the Union, and refrain from trying to influence them in the performance of their work.

163 (3) No elected official or any member of the staff of the Union shall participate in any manner or have any financial interest whatsoever in any enterprise concerned with telecommunications, except as part of their duties. However, the term "financial interest" is not to be construed as applying to the continuation of retirement benefits accruing in respect of previous employment or service.

164 3. The paramount consideration in the recruitment of staff and in the determination of the conditions of service shall be the necessity of securing for the Union the highest standards of efficiency, competence and integrity. Due regard must be paid to the importance of recruiting the staff on as wide a geographical basis as possible.

Article 13

International Frequency Registration Board

165 1. The essential duties of the International Frequency Registration Board shall be:

(*a*) to effect an orderly recording of frequency assignments made by the different countries so as to establish, in accordance with the procedure provided for in the Radio Regulations and in accordance with any decisions which may be taken by competent conferences of the Union, the date, purpose and technical characteristics of each of these assignments, with a view to ensuring formal international recognition thereof;

166 (*b*) to furnish advice to Members and Associate Members with a view to the operation of the maximum practicable number of radio channels in those portions of the spectrum where harmful interference may occur;

167 (*c*) to perform any additional duties, concerned with the assignment and utilization of frequencies, prescribed by a competent conference of the Union, or by the Administrative Council with the consent of a majority of the Members of the Union, in preparation for or in pursuance of the decisions of such a conference;

168 (*d*) to maintain such essential records as may be related to the performance of its duties.

169 2. (1) The International Frequency Registration Board shall consist of five independent members designated in accordance with **172** to **180**.

170 (2) The members of the Board shall be thoroughly qualified by technical training in the field of radio and shall possess practical experience in the assignment and utilization of frequencies.

171 (3) Moreover, for the more effective understanding of the problems coming before the Board under **166**, each member shall be familiar with geographic, economic and demographic conditions within a particular area of the world.

172 3. (1) The five members of the Board shall be elected at intervals of not less than five years by a world administrative conference dealing with general radiocommunication matters. These members shall be chosen from the candidates sponsored by countries, Members of the Union. Each Member of the Union may propose only one candidate who shall be a national of its country. Each candidate shall possess the qualifications described in **170** and **171**.

173 (2) The election procedure shall be established by the conference itself in such a way as to ensure equitable representation of the various parts of the world.

174 (3) At each election any serving member of the Board may be proposed again as a candidate by the country of which he is a national.

175 (4) The members of the Board shall take up their duties on the date determined by the world administrative conference which elected them. They shall normally remain in office until the date determined by the conference which elects their successors.

176 (5) If in the interval between two world administrative conferences which elect members of the Board, an elected member of the Board should resign or abandon his duties without good cause for a period exceeding thirty days or should die, the country, Member of the Union, of which he is a national shall be asked by the Chairman of the Board to provide a replacement as soon as possible, who shall also be a national of that country.

177 (6) If the country, Member of the Union, concerned does not provide a replacement within a period of three months from the date of this request, it shall lose its right to designate a person to serve on the Board for the unexpired period of its current term.

178 (7) If in the interval between two world administrative conferences which elect members of the Board, the replacement should resign or abandon his duties without good cause for a period exceeding thirty days or should die, the country, Member of the Union, of which he is a national shall not be entitled to designate a further replacement.

179 (8) In the circumstances described in **177** and **178**, the Chairman of the Board shall request the Secretary-General to invite the countries, Members of the Union, of the region concerned to propose candidates for the election of a replacement at the next annual session of the Administrative Council.

180 (9) In order to safeguard the efficient operation of the Board, any country a national of which has been elected to the Board, shall refrain, as far as possible, from recalling that person between two world administrative conferences which elect members of the Board.

181 4. (1) The working arrangements of the Board are defined in the Radio Regulations.

182 (2) The members of the Board shall elect from their own numbers a Chairman and a Vice-Chairman, for a period of one year. Thereafter, the Vice-Chairman shall succeed the Chairman each year and a new Vice-Chairman shall be elected.

183 (3) The Board shall be assisted by a specialized secretariat.

184 5. (1) The members of the Board shall serve, not as representatives of their respective countries, or of a region, but as custodians of an international public trust.

185 (2) No member of the Board shall request or receive instructions relating to the exercise of his duties from any government or a member thereof, or from any public or private organization or person. Furthermore, each Member and Associate Member must respect the international character of the Board and of the duties of its members and shall refrain from any attempt to influence any of them in the exercise of their duties.

Article 14

International Consultative Committees

186 1. (1) The duties of the International Radio Consultative Committee (C.C.I.R.) shall be to study technical and operating questions relating specifically to radiocommunication and to issue recommendations on them.

187 (2) The duties of the International Telegraph and Telephone Consultative Committee (C.C.I.T.T.) shall be to study technical, operating and tariff questions relating to telegraphy and telephony and to issue recommendations on them.

188 (3) In the performance of its duties, each Consultative Committee shall pay due attention to the study of questions and to the formulation of recommendations directly connected with the establishment, development and improvement of telecommunication in new or developing countries in both the regional and international fields.

189 (4) At the request of the countries concerned, each Consultative Committee may also study and offer advice concerning their national telecommunication problems. The study of such problems should be in accordance with **190**.

190 2. (1) The questions studied by each International Consultative Committee, on which it shall issue recommendations, shall be those referred to it by the Plenipotentiary Conference, by an administrative conference, by the Administrative Council, by the other Consultative Committee, or by the International Frequency Registration Board, in addition to those decided upon by the Plenary Assembly of the Consultative Committee itself, or, in the interval between its Plenary Assemblies, when requested or approved by correspondence by at least twenty Members and Associate Members of the Union.

191 (2) The Plenary Assemblies of the International Consultative Committees are authorized to submit to administrative conferences proposals arising directly from their recommendations or from findings on questions under their study.

192 3. The International Consultative Committees shall have as members:

(*a*) of right, the administrations of all Members and Associate Members of the Union;

193 (*b*) any recognized private operating agency which, with the approval of the Member or Associate Member which has recognized it, expresses a desire to participate in the work of these Committees.

194 4. Each Consultative Committee shall work through the medium of:

(*a*) the Plenary Assembly, normally meeting every three years. When a corresponding world administrative conference has been convened, the Plenary Assembly should meet, if possible, at least eight months before this conference;

195 (*b*) study groups, which shall be set up by the Plenary Assembly to deal with questions to be examined;

196 (*c*) a Director elected by the Plenary Assembly initially for a period equal to twice the interval between two consecutive Plenary Assemblies, i.e. normally for six years. He shall be eligible for re-election at each subsequent Plenary Assembly and if re-elected shall then remain in office until the date of the next Plenary Assembly, normally for three years. When the position becomes unexpectedly vacant, the following Plenary Assembly shall elect the new Director;

197 (*d*) a specialized secretariat, which assists the Director;

198 (*e*) laboratories or technical installations set up by the Union.

199 5. There shall be a World Plan Committee, and such Regional Plan Committees as may be jointly approved by the Plenary Assemblies of the International Consultative Committees. These Plan Committees shall develop a General Plan for the international telecommunication network to help in planning international telecommunication services. They shall refer to the International Consultative Committees questions the study of which is of particular interest to new or developing countries and which are within the terms of reference of those Consultative Committees.

200 6. The Plenary Assemblies and the study group meetings of the Consultative Committees shall observe the Rules of Procedure contained in the General Regulations, annexed to this Convention. They may also adopt additional rules of procedure in accordance with **77**. These additional rules of procedure shall be published in the form of a Resolution in the documents of the Plenary Assemblies.

201 7. The working arrangements of the Consultative Committees are defined in Part II of the General Regulations annexed to this Convention.

Article 15

Regulations

202 1. Subject to the provisions of Article **8**, the General Regulations contained in Annex **4** to this Convention shall have the same force and duration as the Convention.

203 2. (1) The provisions of the Convention are completed by the following sets of Administrative Regulations:

Telegraph Regulations,
Telephone Regulations,
Radio Regulations,
Additional Radio Regulations.

204 (2) Ratification of this Convention in accordance with Article **18** or accession in accordance with Article **19** involves acceptance of the General and Administrative Regulations in force at the time of ratification or accession.

205 (3) Members and Associate Members shall inform the Secretary-General of their approval of any revision of these Regulations by competent administrative conferences. The Secretary-General shall inform Members and Associate Members promptly regarding receipt of such notifications of approval.

206 3. In case of inconsistency between a provision of the Convention and a provision of the Regulations, the Convention shall prevail.

Article 16

Finances of the Union

207 1. The expenses of the Union shall comprise the costs of:

(*a*) the Administrative Council, the General Secretariat, the International Frequency Registration Board, the secretariats of the International Consultative Committees, and the Union's laboratories and technical equipment;

208 (*b*) Plenipotentiary Conferences and world administrative conferences;

209 (*c*) all meetings of the International Consultative Committees.

210 2. Expenses incurred by the regional administrative conferences referred to in **50** shall be borne in accordance with their unit classification by all the Members and Associate Members of the region concerned and, where appropriate, on the same basis by any Members and Associate Members of other regions which have participated in such conferences.

211 3. The Administrative Council shall review and approve the annual budget of the Union, taking account of the limits for expenditure set by the Plenipotentiary Conference.

212 4. The expenses of the Union shall be met from the contributions of the Members and Associate Members, each Member and Associate Member paying a sum proportional to the number of units in the class of contribution it has chosen from the following scale:

30 Unit class	8 Unit class
25 Unit class	5 Unit class
20 Unit class	4 Unit class
18 Unit class	3 Unit class
15 Unit class	2 Unit class
13 Unit class	1 Unit class
10 Unit class	½ Unit class

213 5. Members and Associate Members shall be free to choose their class of contribution for defraying Union expenses.

214 6. (1) At least six months before the Convention comes into force, each Member and Associate Member shall inform the Secretary-General of the class of contribution it has chosen.

215 (2) The Secretary-General shall communicate this decision to Members and Associate Members.

216 (3) Members and Associate Members who have failed to make known their decision before the date specified in **214** shall retain the class of contribution previously notified to the Secretary-General.

217 (4) Members and Associate Members may at any time choose a class of contribution higher than the one already adopted by them.

218 (5) No reduction in a unit classification established in accordance with **214** to **216** can take effect during the life of the Convention.

219 7. Members and Associate Members shall pay in advance their annual contributory shares, calculated on the basis of the budget approved by the Administrative Council.

220 8. (1) Every new Member or Associate Member shall, in respect of the year of its accession, pay a contribution calculated as from the first day of the month of accession.

221 (2) Should the Convention be denounced by a Member or Associate Member, its contribution shall be paid up to the last day of the month in which such denunciation takes effect.

222 9. The amounts due shall bear interest from the beginning of each financial year of the Union at 3% (three per cent) per annum during the first six months, and at 6% (six per cent) per annum from the beginning of the seventh month.

223 10. The following provisions shall apply to contributions by recognized private operating agencies, scientific or industrial organizations and international organizations:

224 (*a*) Recognized private operating agencies and scientific or industrial organizations shall share in defraying the expenses of the International Consultative Committees in the work of which they have agreed to participate. Recognized private operating agencies shall likewise share in defraying the expenses of the administrative conferences in which they have agreed to participate, or have participated, in accordance with **621** of the General Regulations;

225 (*b*) International organizations shall also share in defraying the expenses of the conferences or meetings in which they have been allowed to participate, unless exempted by the Administrative Council on condition of reciprocity;

226 (*c*) Recognized private operating agencies, scientific or industrial organizations and international organizations which share in defraying the expenses of conferences or meetings in accordance with **224** and **225**, shall freely choose from the scale in **212** their class of contribution for defraying Union expenses, and inform the Secretary-General of the class chosen;

227 (*d*) Recognized private operating agencies, scientific or industrial organizations and international organizations which share in defraying the expenses of conferences or meetings may at any time choose a class of contribution higher than the one already adopted by them;

228 (*e*) No reduction in the number of contributory units shall take effect during the life of the Convention;

229 (*f*) In the case of denunciation of participation in the work of an International Consultative Committee, the contribution shall be paid up to the last day of the month in which such denunciation takes effect;

230 (*g*) The amount of the contribution per unit payable by recognized private operating agencies and scientific or industrial organizations or international organizations towards the expenses of the International Consultative Committees in the work of which they have agreed to participate shall be fixed annually by the Administrative Council. The contributions shall be considered as Union income. They shall bear interest in accordance with the provisions of **222**;

231 (*h*) The amount of the contribution per unit payable towards the expenses of administrative conferences by recognized private operating agencies which participate in accordance with **621** of the General Regulations and by participating international organizations shall be fixed by dividing the total amount of the budget of the Conference in question by the total number of units contributed by Members and Associate Members as their share of Union expenses. The contributions shall be considered as Union income. They shall bear

interest from the sixtieth day following the day on which accounts are sent out, at the rates fixed in 222.

232 11. Expenses incurred by laboratories and technical installations of the Union in measurements, testing, or special research for individual Members or Associate Members, groups of Members or Associate Members, or regional organizations or others, shall be borne by those Members or Associate Members, groups, organizations or others.

233 12. The sale price of documents sold to administrations, recognized private operating agencies or individuals, shall be determined by the Secretary-General, in collaboration with the Administrative Council, bearing in mind that the cost of printing and distribution should, in general, be covered by the sale of the documents.

Article 17

Languages

234 1. (1) The official languages of the Union shall be Chinese, English, French, Russian and Spanish.

235 (2) The working languages of the Union shall be English, French and Spanish.

236 (3) In case of dispute, the French text shall be authentic.

237 2. (1) The final documents of the plenipotentiary and administrative conferences' their final acts, protocols, resolutions, recommendations and opinions, shall be drawn up in the official languages of the Union, in versions equivalent in form and content.

238 (2) All other documents of these conferences shall be issued in the working languages of the Union.

239 3. (1) The official service documents of the Union as prescribed by the Administrative Regulations shall be published in the five official languages.

240 (2) All other documents for general distribution prepared by the Secretary-General in the course of his duties shall be drawn up in the three working languages.

241 4. Any of the documents referred to in 237 to 240 may be published in languages other than those there specified, provided that the Members or Associate Members requesting such publication undertake to defray the whole of the cost of translation and publication involved.

242 5. (1) At conferences of the Union and whenever it is necessary at meetings of its permanent organs and of the Administrative Council, the debates shall be conducted with the aid of an efficient system of reciprocal interpretation between the three working languages and Russian.

243 (2) When all participants in a meeting agree, the debates may be conducted in fewer than the four languages mentioned above.

244 6. (1) At conferences of the Union and at meetings of its permanent organs and of the Administrative Council, languages other than those mentioned in 235 and 242 may be used:

245 (*a*) if an application is made to the Secretary-General or to the Head of the permanent organ concerned to provide for the use of an additional language or languages, oral or written, provided that the additional cost so incurred shall be borne by those Members and Associate Members which have made or supported the application;

246 (*b*) if any delegation itself makes arrangements at its own expense for oral translation from its own language into any one of the languages referred to in **242**.

247 (2) In the case provided for in **245**, the Secretary-General or the Head of the permanent organ concerned shall comply to the extent practicable with the application, having first obtained from the Members or Associate Members concerned an undertaking that the cost incurred will be duly repaid by them to the Union.

248 (3) In the case provided for in **246**, the delegation concerned may, furthermore, if it wishes, arrange at its own expense for oral translation into its own language from one of the languages referred to in **242**.

CHAPTER II

Application of the Convention and Regulations

Article 18

Ratification of the Convention

249 1. This Convention shall be ratified by the signatory governments in accordance with the constitutional rules in force in their respective countries. The instruments of ratification shall be deposited, in as short a time as possible, with the Secretary-General by diplomatic channel through the intermediary of the government of the country of the seat of the Union. The Secretary-General shall notify the Members and Associate Members of each deposit of ratification.

250 2. (1) During a period of two years from the date of entry into force of this Convention, a signatory government, even though it may not have deposited an instrument of ratification in accordance with **249**, shall enjoy the rights conferred on Members of the Union in **12** to **14**.

251 (2) From the end of a period of two years from the date of entry into force of this Convention, a signatory government which has not deposited an instrument of ratification in accordance with **249** shall not be entitled to vote at any conference of the Union, or at any session of the Administrative Council, or at any meeting of any of the permanent organs of the Union, or during consultation by correspondence conducted in accordance with the provisions of the Convention until it has so deposited such an instrument. Its rights, other than voting rights, shall not be affected.

252 3. After the entry into force of this Convention in accordance with Article **53**, each instrument of ratification shall become effective on the date of its deposit with the Secretary-General.

253 4. If one or more of the signatory governments do not ratify the Convention, it shall not thereby be less valid for the governments which have ratified it.

Article 19

Accession to the Convention

254 1. The government of a country, not a signatory of this Convention, may accede thereto at any time subject to the provisions of Article **1**.

255 2. The instrument of accession shall be deposited with the Secretary-General by diplomatic channel through the intermediary of the government of the country of the seat of the Union. Unless otherwise specified therein, it shall become effective upon the

date of its deposit. The Secretary-General shall notify the Members and Associate Members of each accession when it is received and shall forward to each of them a certified copy of the act of accession.

Article 20

Application of the Convention to Countries or Territories for whose Foreign Relations Members of the Union are responsible

256 1. Members of the Union may declare at any time that their acceptance of this Convention applies to all or a group or a single one of the countries or territories for whose foreign relations they are responsible.

257 2. A declaration made in accordance with **256** shall be communicated to the Secretary-General, who shall notify the Members and Associate Members of each such declaration.

258 3. The provisions of **256** and **257** shall not be deemed to be obligatory in respect of any country, territory or group of territories listed in Annex 1 of this Convention.

Article 21

Application of the Convention to Trust Territories of the United Nations

259 The United Nations shall have the right to accede to this Convention on behalf of any territory or group of territories placed under its administration in accordance with a trusteeship agreement as provided for in Article 75 of the Charter of the United Nations.

Article 22

Execution of the Convention and Regulations

260 1. The Members and Associate Members are bound to abide by the provisions of this Convention and the Regulations annexed thereto in all telecommunication offices and stations established or operated by them which engage in international services or which are capable of causing harmful interference to radio services of other countries, except in regard to services exempted from these obligations in accordance with the provisions of Article **51** of this Convention.

261 2. They are also bound to take the necessary steps to impose the observance of the provisions of this Convention and of the Regulations annexed thereto upon private operating agencies authorized by them to establish and operate telecommunications and which engage in international services or which operate stations capable of causing harmful interference to the radio services of other countries.

Article 23

Denunciation of the Convention

262 1. Each Member and Associate Member which has ratified, or acceded to, this Convention shall have the right to denounce it by a notification addressed to the Secretary-General by diplomatic channel through the intermediary of the government of the country of the seat of the Union. The Secretary-General shall advise the other Members and Associate Members thereof.

263 2. This denunciation shall take effect at the expiration of a period of one year from the day of the receipt of notification of it by the Secretary-General.

Article 24

Denunciation of the Convention on behalf of Countries or Territories for whose Foreign Relations Members of the Union are responsible

264 1. The application of this Convention to a country, territory or group of territories in accordance with Article **20** may be terminated at any time, and such country, territory or group of territories, if it is an Associate Member, ceases upon termination to be such.

265 2. The declaration of denunciation contemplated in the above paragraph shall be notified in conformity with the conditions set out in **262**; it shall take effect in accordance with the provisions of **263**.

Article 25

Abrogation of the earlier Convention

266 This Convention shall abrogate and replace, in relations between the Contracting Governments, the International Telecommunication Convention (Geneva, 1959).

Article 26

Validity of Administrative Regulations in force

267 The Administrative Regulations referred to in **203** are those in force at the time of signature of this Convention. They shall be regarded as annexed to this Convention and shall remain valid, subject to such partial revisions as may be adopted in consequence of the provisions of **52** until the time of entry into force of new Regulations drawn up by the competent world administrative conferences to replace them as annexes to this Convention.

Article 27

Relations with Non-contracting States

268 1. Each Member and Associate Member reserves to itself and to the recognized private operating agencies the right to fix the conditions under which it admits telecommunications exchanged with a State which is not a party to this Convention.

269 2. If a telecommunication originating in the territory of such a non-contracting State is accepted by a Member or Associate Member, it must be transmitted and, in so far as it follows the telecommunication channels of a Member or Associate Member, the obligatory provisions of the Convention and Regulations and the usual charges shall apply to it.

Article 28

Settlement of Disputes

270 1. Members and Associate Members may settle their disputes on questions relating to the application of this Convention or of the Regulations contemplated in Article **15**, through diplomatic channels, or according to procedures established by bilateral or multilateral treaties concluded between them for the settlement of international disputes, or by any other method mutually agreed upon.

271 2. If none of these methods of settlement is adopted, any Member or Associate Member party to a dispute may submit the dispute to arbitration in accordance with the procedure defined in Annex **3**, or in the Optional Additional Protocol, as the case may be.

CHAPTER III

Relations with the United Nations and with International Organizations

Article 29

Relations with the United Nations

272 1. The relationship between the United Nations and the International Telecommunication Union is defined in the Agreement concluded between these two Organizations.

273 2. In accordance with the provision of Article XVI of the above-mentioned Agreement, the telecommunication operating services of the United Nations shall be entitled to the rights and bound by the obligations of this Convention and of the Administrative Regulations annexed thereto. Accordingly, they shall be entitled to attend all conferences of the Union, including meetings of the International Consultative Committees, in a consultative capacity.

Article 30

Relations with International Organizations

274 In furtherance of complete international co-ordination on matters affecting telecommunication, the Union shall co-operate with international organizations having related interests and activities.

CHAPTER IV

General Provisions relating to Telecommunications

Article 31

The Right of the Public to use the International Telecommunication Service

275 Members and Associate Members recognize the right of the public to correspond by means of the international service of public correspondence. The services, the charges and the safeguards shall be the same for all users in each category of correspondence without any priority or preference.

Article 32

Stoppage of Telecommunications

276 1. Members and Associate Members reserve the right to stop the transmission of any private telegram which may appear dangerous to the security of the State or contrary to their laws, to public order or to decency, provided that they immediately notify the office of origin of the stoppage of any such telegram or any part thereof, except when such notification may appear dangerous to the security of the State.

277 2. Members and Associate Members also reserve the right to cut off any other private telecommunications which may appear dangerous to the security of the State or contrary to their law, to public order or to decency.

Article 33

Suspension of Services

278 Each Member and Associate Member reserves the right to suspend the international telecommunication service for an indefinite time, either generally or only for certain

relations and/or for certain kinds of correspondence, outgoing, incoming or in transit, provided that it immediately notifies such action to each of the other Members and Associate Members through the medium of the Secretary-General.

Article 34

Responsibility

279 Members and Associate Members accept no responsibility towards users of the international telecommunication services, particularly as regards claims for damages.

Article 35

Secrecy of Telecommunications

280 1. Members and Associate Members agree to take all possible measures, compatible with the system of telecommunication used, with a view to ensuring the secrecy of international correspondence.

281 2. Nevertheless, they reserve the right to communicate such correspondence to the competent authorities in order to ensure the application of their internal laws or the execution of international conventions to which they are parties.

Article 36

Establishment, Operation, and Protection of Telecommunication Installations and Channels

282 1. Members and Associate Members shall take such steps as may be necessary to ensure the establishment, under the best technical conditions, of the channels and installations necessary to carry on the rapid and uninterrupted exchange of international telecommunications.

283 2. So far as possible, these channels and installations must be operated by the methods and procedures which practical operating experience has shown to be the best. They must be maintained in proper operating condition and kept abreast of scientific and technical progress.

284 3. Members and Associate Members shall safeguard these channels and installations within their jurisdiction.

285 4. Unless other conditions are laid down by special arrangements, each Member and Associate Member shall take such steps as may be necessary to ensure maintenance of those sections of international telecommunication circuits within its control.

Article 37

Notification of Infringements

286 In order to facilitate the application of the provisions of Article 22 of this Convention, Members and Associate Members undertake to inform one another of infringements of the provisions of this Convention and of the Regulations annexed thereto.

Article 38

Charges and Free Services

287 The provisions regarding charges for telecommunications and the various cases in which free services are accorded are set forth in the Regulations annexed to this Convention.

Article 39

Priority of Telecommunications concerning Safety of Life

288 The international telecommunication services must give absolute priority to all telecommunications concerning safety of life at sea, on land, in the air or in outer space, as well as to epidemiological telecommunications of exceptional urgency of the World Health Organization.

Article 40

Priority of Government Telegrams and Telephone Calls

289 Subject to the provisions of Articles 39 and 49 of this Convention, government telegrams shall enjoy priority over other telegrams when priority is requested for them by the sender. Government telephone calls may also be given priority, upon specific request and to the extent practicable, over other telephone calls.

Article 41

Secret Language

290 1. Government telegrams and service telegrams may be expressed in secret language in all relations.

291 2. Private telegrams in secret language may be admitted between all countries with the exception of those which have previously notified, through the medium of the Secretary-General, that they do not admit this language for those categories of correspondence.

292 3. Members and Associate Members which do not admit private telegrams in secret language originating in or destined for their own territory must let them pass in transit, except in the case of suspension of service provided for in Article 33 of this Convention.

Article 42

Rendering and Settlement of Accounts

293 1. Administrations of Members and Associate Members and recognized private operating agencies which operate international telecommunication services, shall come to an agreement with regard to the amount of their credits and debits.

294 2. The statements of accounts in respect to debits and credits referred to in 293 shall be drawn up in accordance with the provisions of the Regulations annexed to this Convention, unless special arrangements have been concluded between the parties concerned.

295 3. The settlement of international accounts shall be regarded as current transactions and shall be effected in accordance with the current international obligations of the countries concerned, in those cases where their governments have concluded arrangements on this subject. Where no such arrangements have been concluded, and in the absence of special agreements made under Article 44 of this Convention, these settlements shall be effected in accordance with the Regulations.

Article 43

Monetary Unit

296 The monetary unit used in the composition of the tariffs of the international telecommunication services and in the establishment of the international accounts shall be

the gold franc of 100 centimes, of a weight of 10/31 of a gramme and of a fineness of 0.900.

Article 44

Special Agreements

297 Members and Associate Members reserve for themselves, for the private operating agencies recognized by them and for other agencies duly authorized to do so, the right to make special agreements on telecommunication matters which do not concern Members and Associate Members in general. Such agreements, however, shall not be in conflict with the terms of this Convention or of the Regulations annexed thereto, so far as concerns the harmful interference which their operation might be likely to cause to the radio services of other countries.

Article 45

Regional Conferences, Agreements and Organizations

298 Members and Associate Members reserve the right to convene regional conferences, to conclude regional agreements and to form regional organizations, for the purpose of settling telecommunication questions which are susceptible of being treated on a regional basis. Such agreements shall not be in conflict with this Convention.

CHAPTER V

Special Provisions for Radio

Article 46

Rational Use of the Radio Frequency Spectrum

299 Members and Associate Members recognize that it is desirable to limit the number of frequencies and the spectrum space used to the minimum essential to provide in a satisfactory manner the necessary services. To that end it is desirable that the latest technical advances be applied as soon as possible.

Article 47

Intercommunication

300 1. Stations performing radiocommunication in the mobile service shall be bound, within the limits of their normal employment, to exchange radiocommunications reciprocally without distinction as to the radio system adopted by them.

301 2. Nevertheless, in order not to impede scientific progress, the provisions of 300 shall not prevent the use of a radio system incapable of communicating with other systems, provided that such incapacity is due to the specific nature of such system and is not the result of devices adopted solely with the object of preventing intercommunication.

302 3. Notwithstanding the provisions of 300, a station may be assigned to a restricted international service of telecommunication, determined by the purpose of such service, or by other circumstances independent of the system used.

Article 48

Harmful Interference

303 1. All stations, whatever their purpose, must be established and operated in such a manner as not to cause harmful interference to the radio services or communications

of other Members or Associate Members or of recognized private operating agencies, or of other duly authorized operating agencies which carry on radio service, and which operate in accordance with the provisions of the Radio Regulations.

304 2. Each Member or Associate Member undertakes to require the private operating agencies which it recognizes and the other operating agencies duly authorized for this purpose, to observe the provisions of 303.

305 3. Further, the Members and Associate Members recognize the desirability of taking all practicable steps to prevent the operation of electrical apparatus and installations of all kinds from causing harmful interference to the radio services or communications mentioned in 303.

Article 49

Distress Calls and Messages

306 Radio stations shall be obliged to accept, with absolute priority, distress calls and messages regardless of their origin, to reply in the same manner to such messages, and immediately to take such action in regard thereto as may be required.

Article 50

False or Deceptive Distress, Urgency, Safety or Identification Signals

307 Members and Associate Members agree to take the steps required to prevent the transmission or circulation of false or deceptive distress, urgency, safety or identification signals, and to collaborate in locating and identifying stations transmitting such signals from their own country.

Article 51

Installations for National Defence Services

308 1. Members and Associate Members retain their entire freedom with regard to military radio installations of their army, naval and air forces.

309 2. Nevertheless, these installations must, so far as possible, observe statutory provisions relative to giving assistance in case of distress and to the measures to be taken to prevent harmful interference, and the provisions of the Regulations concerning the types of emission and the frequencies to be used, according to the nature of the service performed by such installations.

310 3. Moreover, when these installations take part in the service of public correspondence or other services governed by the Regulations annexed to this Convention, they must, in general, comply with the regulatory provisions for the conduct of such services.

CHAPTER VI

Definitions

Article 52

Definitions

311 In this Convention, unless the context otherwise requires,

(*a*) the terms which are defined in Annex 2 to this Convention shall have the meanings therein assigned to them;

312 (*b*) other terms which are defined in the Regulations referred to in Article 15 shall have the meanings therein assigned to them.

CHAPTER VII

Final Provisions

Article 53

Effective Date of the Convention

313 The present Convention shall enter into force on January first nineteen hundred and sixty-seven between countries, territories or groups of territories, in respect of which instruments of ratification or accession have been deposited before that date.

IN WITNESS WHEREOF the respective plenipotentiaries have signed the Convention in each of the Chinese, English, French, Russian and Spanish languages, in a single copy in which, in case of dispute, the French text shall be authentic, and which shall remain deposited in the archives of the International Telecommunication Union, which shall forward a copy to each of the signatory countries.

Done at Montreux, 12 November 1965

Annex 1

(see number 4)

Afghanistan
Albania (People's Republic of)
Algeria (Algerian Democratic and Popular Republic)
Saudi Arabia (Kingdom of)
Argentine Republic
Australia (Commonwealth of)
Austria
Belgium
Byelorussian Soviet Socialist Republic
Burma (Union of)
Bolivia
Brazil
Bulgaria (People's Republic of)
Burundi (Kingdom of)
Cambodia (Kingdom of)
Cameroon (Federal Republic of)
Canada
Central African Republic
Ceylon
Chile
China
Cyprus (Republic of)
Vatican City State
Colombia (Republic of)
Congo (Democratic Republic of the)
Congo (Republic of the) (Brazzaville)
Korea (Republic of)
Ecuador
Spain
United States of America
Ethiopia
Finland
France
Gabon Republic
Ghana
Greece
Guatemala
Guinea (Republic of)
Haiti (Republic of)
Upper Volta (Republic of)
Honduras (Republic of)
Hungarian People's Republic
India (Republic of)
Indonesia (Republic of)
Iran
Iraq (Republic of)
Ireland
Iceland
Israel (State of)
Italy
Jamaica
Japan
Jordan (Hashemite Kingdom of)
Kenya
Kuwait (State of)
Laos (Kingdom of)
Lebanon

Costa Rica
Ivory Coast (Republic of the)
Cuba
Dahomey (Republic of)
Denmark
Dominican Republic
El Salvador (Republic of)
Group of Territories represented by the French Overseas Post and Telecommunication Agency
Morocco (Kingdom of)
Mauritania (Islamic Republic of)
Mexico
Monaco
Mongolian People's Republic
Nepal
Nicaragua
Niger (Republic of the)
Nigeria (Federal Republic of)
Norway
New Zealand
Uganda
Pakistan
Panama
Paraguay
Netherlands (Kingdom of the)
Peru
Philippines (Republic of the)
Poland (People's Republic of)
Portugal
Spanish Provinces in Africa
Portuguese Oversea Provinces
Syrian Arab Republic
United Arab Republic
Federal Republic of Germany
Ukrainian Soviet Socialist Republic
Somali Republic
Rhodesia
Roumania (Socialist Republic of)
United Kingdom of Great Britain and Northern Ireland
Rwanda (Republic of)
Liberia (Republic of)
Libya (Kingdom of)
Liechtenstein (Principality of)
Luxembourg
Malaysia
Malawi
Malagasy Republic
Mali (Republic of)
Malta
Senegal (Republic of the)
Sierra Leone
Singapore
Sudan (Republic of the)
South Africa (Republic of) and Territory of South-West Africa
Sweden
Switzerland (Confederation of)
Tanzania (United Republic of)
Chad (Republic of the)
Czechoslovak Socialist Republic
Territories of the United States of America
Overseas Territories for the international relations of which the Government of the United Kingdom of Great Britain and Northern Ireland are responsible
Thailand
Togolese Republic
Trinidad and Tobago
Tunisa
Turkey
Union of Soviet Socialist Republics
Uruguay (Oriental Republic of)
Venezuela (Republic of)
Viet-Nam (Republic of)
Yemen
Yugoslavia (Federal Socialist Republic of)
Zambia (Republic of)

Annex 2

(see Article 52)

Definition of Certain Terms used in the International Telecommunication Convention and its Annexes

401 *Administration:* Any governmental department or service responsible for discharging the obligations undertaken in the International Telecommunication Convention and the Regulations annexed thereto.

402 *Private Operating Agency:* Any individual or company or corporation, other than a governmental establishment or agency, which operates a telecommunication installation intended for an international telecommunication service or which is capable of causing harmful interference with such a service.

403 *Recognized Private Operating Agency:* Any private operating agency, as defined above, which operates a public correspondence or broadcasting service and upon which the obligations provided for in Article 22 are imposed by the Member or Associate Member in whose territory the head office of the agency is situated, or by the Member or Associate Member which has authorized this operating agency to establish and operate a telecommunication service on its territory.

404 *Delegate:* A person sent by the government of a Member or Associate Member of the Union to a Plenipotentiary Conference, or a person representing a government or an administration of a Member or Associate Member of the Union at an administrative conference, or at a meeting of an International Consultative Committee.

405 *Representative:* A person sent by a recognized private operating agency to an administrative conference, or to a meeting of an International Consultative Committee.

406 *Expert:* A person sent by a national scientific or industrial organization which is authorized by the government or the administration of its country to attend meetings of study groups of an International Consultative Committee.

407 *Observer:* A person sent by:

—the United Nations in accordance with Article 29 of the Convention;

—one of the international organizations invited or admitted in accordance with the provisions of the General Regulations to participate in the work of a conference;

—the government of a Member or Associate Member of the Union participating in a non-voting capacity in a regional administrative conference held under the terms of Article 7 of the Convention.

408 *Delegation:* The totality of the delegates and, should the case arise, any representatives, advisers, attachés or interpreters sent by the same country.

Each Member and Associate Member shall be free to make up its delegation as it wishes. In particular, it may include in its delegation in the capacity of delegates, advisers or attachés, persons belonging to private operating agencies which it recognizes or persons belonging to other private enterprises interested in telecommunications.

409 *Telecommunication:* Any transmission, emission or reception of signs, signals, writing, images and sounds or intelligence of any nature by wire, radio, optical or other electromagnetic systems.

410 *Telegraphy:* A system of telecommunications which is concerned in any process providing transmission and reproduction at a distance of documentary matter, such as written or printed matter or fixed images, or the reproduction at a distance of any kind of information in such a form. For the purposes of the Radio Regulations, however, unless otherwise specified therein, telegraphy shall mean "A system of telecommunications for the transmission of written matter by the use of a signal code".

411 *Telephony:* A system of telecommunications set up for the transmission of speech or, in some cases, other sounds.

412 *Radiocommunication:* Telecommunication by means of radio waves.

413 *Radio:* A general term applied to the use of radio waves.

414 *Harmful Interference:* Any emission, radiation or induction which endangers the functioning of a radionavigation service or of other safety services,[2] or seriously degrades, obstructs or repeatedly interrupts a radiocommunication service operating in accordance with the Radio Regulations.

415 *International Service:* A telecommunication service between telecommunication offices or stations of any nature which are in or belong to different countries.

---

[2] Any radiocommunication service used permanently or temporarily for the safeguarding of human life and property.

416 *Mobile Service:* A service of radiocommunication between mobile and land stations, or between mobile stations.

417 *Broadcasting Service:* A radiocommunication service in which the transmissions are intended for direct reception by the general public. This service may include sound transmissions, television transmissions or other types of transmission.

418 *Public Correspondence:* Any telecommunication which the offices and stations must, by reason of their being at the disposal of the public, accept for transmission.

419 *Telegram:* Written matter intended to be transmitted by telegraphy for delivery to the addressee. This term also includes radiotelegrams unless otherwise specified.

420 *Government Telegrams and Government Telephone Calls:* Telegrams or telephone calls originating with any of the authorities specified below:

—the Head of a State;

—the Head of a government and members of a government;

—the Head of a territory, or the Head of a territory forming part of a group, Member or Associate Member;

—the Head of a territory under the trusteeship or mandate of the United Nations or of a Member or Associate Member;

—Commanders-in-Chief of military forces, land, sea or air;

—diplomatic or consular agents;

—the Secretary-General of the United Nations; Heads of the principal organs of the United Nations;

—the International Court of Justice at The Hague.

421 Replies to government telegrams as defined herein shall also be regarded as government telegrams.

422 *Service Telegrams:* Telegrams exchanged between:

(*a*) administrations;

(*b*) recognized private operating agencies;

(*c*) administrations and recognized private operating agencies;

(*d*) administrations and recognized private operating agencies, on the one hand, and the Secretary-General of the Union, on the other,

and relating to public international telecommunication.

423 *Private Telegrams:* Telegrams other than service or government telegrams.

Annex 3

(see Article 28)

ARBITRATION

501 1. The party which appeals to arbitration shall initiate the arbitration procedure by transmitting to the other party to the dispute a notice of the submission of the dispute to arbitration.

502 2. The parties shall decide by agreement whether the arbitration is to be entrusted to individuals, administrations or governments. If within one month after notice of submission of the dispute to arbitration, the parties have been unable to agree upon this point, the arbitration shall be entrusted to governments.

503 3. If arbitration is to be entrusted to individuals, the arbitrators must neither be nationals of the parties involved in the dispute, nor have their domicile in the countries parties to the dispute, nor be employed in their service.

504 4. If arbitration is to be entrusted to governments, or to administrations thereof, these must be chosen from among the Members or Associate Members which are not parties to the dispute, but which are parties to the agreement, the application of which caused the dispute.

505 5. Within three months from the date of receipt of the notification of the submission of the dispute to arbitration, each of the two parties to the dispute shall appoint an arbitrator.

506 6. If more than two parties are involved in the dispute, an arbitrator shall be appointed in accordance with the procedure set forth in 504 and 505, by each of the two groups of parties having a common position in the dispute.

507 7. The two arbitrators thus appointed shall choose a third arbitrator who, if the first two arbitrators are individuals and not governments or administrations, must fulfil the conditions indicated in 503, and in addition must not be of the same nationality as either of the other two arbitrators. Failing an agreement between the two arbitrators as to the choice of a third arbitrator, each of these two arbitrators shall nominate a third arbitrator who is in no way concerned in the dispute. The Secretary-General shall then draw lots in order to select the third arbitrator.

508 8. The parties to the dispute may agree to have their dispute settled by a single arbitrator appointed by agreement; or alternatively, each party may nominate an arbitrator, and request the Secretary-General to draw lots to decide which of the persons so nominated is to act as the single arbitrator.

509 9. The arbitrator or arbitrators shall be free to decide upon the procedure to be followed.

510 10. The decision of the single arbitrator shall be final and binding upon the parties to the dispute. If the arbitration is entrusted to more than one arbitrator, the decision made by the majority vote of the arbitrators shall be final and binding upon the parties.

511 11. Each party shall bear the expense it shall have incurred in the investigation and presentation of the arbitration. The costs of arbitration other than those incurred by the parties themselves shall be divided equally between the parties to the dispute.

512 12. The Union shall furnish all information relating to the dispute which the arbitrator or arbitrators may need.

Annex 4

GENERAL REGULATIONS ANNEXED TO THE INTERNATIONAL TELECOMMUNICATION CONVENTION

[Not reproduced]

(b) Optional Additional Protocol to the International Telecommunication Convention (Montreux, 1965). Done at Montreux on 12 November 1965

Compulsory Settlement of Disputes

At the time of signing the International Telecommunication Convention (Montreux, 1965), the undersigned plenipotentiaries have also signed the following Optional Additional Protocol on the Compulsory Settlement of Disputes, which forms part of the Final Acts of the Plenipotentiary Conference (Montreux, 1965).

The Members and Associate Members of the Union, parties to this Optional Protocol to the International Telecommunication Convention (Montreux, 1965),

expressing the desire to resort to compulsory arbitration, so far as they are concerned, for the settlement of any disputes concerning the application of the Convention or of the Regulations mentioned in Article 15 thereof,

have agreed upon the following provisions:

Article 1

Unless one of the methods of settlement listed in Article 28 of the Convention has been chosen by common agreement, disputes concerning the application of the Convention or of the Regulations mentioned in Article 15 thereof shall, at the request of one of the parties to the dispute, be submitted for compulsory arbitration. The procedure to be followed is laid down in Annex 3 to the Convention, paragraph 5 of which shall be amplified as follows:

"5. Within three months from the date of receipt of the notification of the submission of the dispute to arbitration, each of the two parties to the dispute shall appoint an arbitrator. If one of the parties has not appointed an arbitrator within this time-limit, this appointment shall be made, at the request of the other party, by the Secretary-General who shall act in accordance with paragraphs 3 and 4 of Annex 3 to the Convention."

Article 2

This Protocol shall be open to signature by the Members and Associate Members which sign the Convention. It shall be ratified in accordance with the procedure laid down for the Convention and any States which become Members or Associate Members of the Union may accede to it.

Article 3

This Protocol shall come into force on the same day as the Convention, or on the thirtieth day after the day on which the second instrument of ratification or accession is deposited, but not earlier than the date upon which the Convention comes into force.

With respect to each Member or Associate Member which ratifies this Protocol or accedes to it after its entry into force, the Protocol shall come into force on the thirtieth day after the day on which the instrument of ratification or accession is deposited.

Article 4

The Secretary-General shall notify all Members and Associate Members:

(*a*) of the signature appended to this Protocol and of the deposit of instruments of ratification or accession;

(*b*) of the date on which this Protocol shall come into force.

IN WITNESS WHEREOF the respective plenipotentiaries have signed this Protocol in each of the Chinese, English, French, Russian and Spanish languages, in a single copy in which, in case of dispute, the French text shall be authentic, and which shall remain deposited in the archives of the International Telecommunication Union, which shall forward a copy to each of the signatory countries.

Done at Montreux, 12 November 1965

---

3. INTER-GOVERNMENTAL MARITIME CONSULTATIVE ORGANIZATION

Amendment to Article 28 of the IMCO Convention: Resolution A. 70 (IV) adopted on 28 September 1965 at the fourth session of the Assembly

[*Original text: French*]

The Assembly,

Recognizing the need to increase the number of members of the Maritime Safety Committee and to modify their method of election,

Consequently having adopted, at the fourth regular session of the Assembly, an amendment, the text of which is contained in the Annex to this Resolution, to Article 28 of the Convention on the Inter-Governmental Maritime Consultative Organization,

Determines, in accordance with the provisions of Article 52 of the Convention, that the amendment adopted hereunder is of such a nature that any Member which hereafter declares that it does not accept such amendment and which does not accept the amendment within a period of twelve months after the amendment comes into force shall, upon the expiration of this period, cease to be a Party to the Convention,

Requests the Secretary-General of the Organization to effect the deposit with the Secretary-General of the United Nations of the adopted amendment in conformity with Article 53 of the Convention and to receive declarations and instruments of acceptance as provided for in Article 54, and

Invites the Member Governments to accept the adopted amendment at the earliest possible date after receiving a copy thereof from the Secretary-General of the United Nations, by communicating an instrument of acceptance to the Secretary-General for deposit with the Secretary-General of the United Nations.

Annex

The existing text of Article 28 of the Convention is replaced by the following:

The Maritime Safety Committee shall consist of sixteen members elected by the Assembly from members, Governments of those States having an important interest in maritime safety of which:

(*a*) Eight members shall be elected from among the ten largest shipowning States.

(*b*) Four members shall be elected in such manner as to ensure that, under this sub-paragraph, a State in each of the following areas is represented:

I. Africa
II. The Americas
III. Asia and Oceania
IV. Europe

(*c*) The remaining four members shall be elected from among States not otherwise represented on the Committee.

For the purpose of this Article, States having an important interest in maritime safety shall include, for example, States interested in the supply of large numbers of crews or in the carriage of large numbers of berthed or unberthed passengers.

Members of the Maritime Safety Committee shall be elected for a term of four years and shall be eligible for re-election.

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]

1. JUDGEMENT NO. 93 (23 SEPTEMBER 1965): [2] COOPERMAN V. SECRETARY-GENERAL OF THE UNITED NATIONS

Termination of probationary appointment—Alleged lack of due process and improper motivation—Question whether a reference to the Appointment and Promotion Board is a prior condition to the termination of a probationary appointment: staff regulation 9.1 (c) and staff rule 104.13

The applicant requested the Tribunal to order the rescinding of the decision by which the Secretary-General had terminated his probationary appointment with the United Nations. He contended, in particular, that the decision was vitiated by lack of due process, that his immediate supervisor had been motivated by personal animosity and that the respondent had failed to observe staff rule 104.13 in terminating his probationary appointment without prior reference to the Appointment and Promotion Board.

Noting that the adverse remarks on the applicant's work were recorded in a periodic report which had been duly shown to him, the Tribunal found that the applicant had not been denied due process. The Tribunal also found that there was insufficient evidence to substantiate the plea that the applicant's immediate supervisor had been motivated by personal animosity. As regards the contention that the reference to the Appointment and Promotion Board was obligatory under staff rule 104.13 in all cases of termination of probationary appointment, the Tribunal ruled that the broad authority of the Secretary-General to terminate such appointments at any time under staff regulation 9.1 (*c*) was not limited or restricted by staff rule 104.13. Accordingly, the Tribunal rejected the application.

---

[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. By the end of 1965, two agreements 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 two specialized agencies: The International Civil Aviation Organization; the Inter-Governmental Maritime Consultative 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] The Lord Crook, Vice-President, presiding; R. Venkataraman, Vice-President; H. Gros Espiell, Member.

2. JUDGEMENT NO. 94 (23 SEPTEMBER 1965):[3] PAPPAS v. SECRETARY-GENERAL OF THE UNITED NATIONS

Non-renewal of short-term appointment: staff rule 304.4

The applicant requested the Tribunal to order the rescinding of the decision by which the Secretary-General had refused to renew his short-term appointment with the United Nations. The Tribunal observed that, in accordance with the provisions of staff rule 304.4, short-term appointments do not carry any expectancy of renewal or of conversion to other types of appointment and that the applicant had been aware that his employment with the United Nations did not indicate any expectancy of a permanent contract. Since there was no evidence that extraneous motivations or prejudice had led to the separation from service of the applicant, the Tribunal dismissed the application.

3. JUDGEMENT NO. 95 (29 SEPTEMBER 1965):[4] SIKAND v. SECRETARY-GENERAL OF THE UNITED NATIONS

Procedure for terminating permanent appointment replaced by fixed-term appointment

The applicant had been the holder of a permanent appointment with the United Nations which was replaced in 1959 by a fixed-term appointment. After several renewals and extensions of that appointment, the applicant was separated from the service of the Organization in 1963. He contended that the termination of his permanent appointment had not been fully implemented in 1959 and that the appointment was still in effect in 1963 at the time of his separation from service. He also maintained that he had accepted a fixed-term appointment in 1959 on the understanding that the Office of Personnel would review the situation after some time for the purpose of determining whether his previous status should be restored. He contended that the Office of Personnel had failed to carry out the review and that, furthermore, he had been seconded in 1960 to the Technical Assistance Board without his consent and in violation of the rules governing secondment.

The Tribunal found that the applicant's permanent appointment had been effectively terminated in 1959 and was no longer in force at the time of the applicant's separation from service in 1963. It observed, however, that the correspondence between the parties and the surrounding facts and circumstances showed that the respondent had undertaken to review the applicant's work in order to determine whether his previous status should be restored. The Tribunal noted that at least on two occasions—in 1961 and again in 1962—the restoration of the applicant's previous status had been considered by the Office of Personnel. Since no specific method of review had been contemplated by the parties in 1959, the Tribunal held that the examinations of the applicant's situation by the Office of Personnel in 1961 and 1962 met the obligations resting with the respondent. The Tribunal also found that, since the applicant had accepted a fixed-term appointment with TAB in 1960, there had been no secondment in the case. Accordingly, the Tribunal rejected the application.

4. JUDGEMENT NO. 96 (29 SEPTEMBER 1965):[5] CAMARGO v. SECRETARY-GENERAL OF THE UNITED NATIONS

Withdrawal of a provisional offer of appointment—Question whether subsequent acceptance of the offer could create a contract of employment

The applicant requested the Tribunal to rule that he was the holder of a valid contract of employment with the United Nations. He had been offered a fixed-term appointment with

[3] The Lord Crook, Vice-President, presiding; R. Venkataraman, Vice-President; H. Gros Espiell, Member.

[4] Mme P. Bastid, President; R. Venkataraman, Vice-President; H. Gros Espiell, Member.

[5] Mme P. Bastid, President; R. Venkataraman, Vice-President; H. Gros Espiell, Member; L. Ignacio-Pinto, Alternate Member.

the Organization by a letter from the Director of Personnel dated 29 May 1964 addressed to his residence in Mexico City. On 4 June 1964, he orally informed the Deputy Director of the United Nations Information Centre in Mexico City that he accepted the appointment and visited a doctor for the required medical examination. On 5 June 1964 the Office of Personnel sent a cable to the applicant in Mexico City withdrawing the offer of appointment. On 6 June 1964 the applicant wrote to the Director of Personnel that he accepted the appointment offered to him. He subsequently claimed that he had never received the cable of 5 June 1964.

The Tribunal first examined a plea by the respondent that the application was not receivable under article 2.2 of the Statute of the Tribunal since the applicant had never acquired the status of a staff member of the Secretariat. It noted that the issues in the case arose out of a letter written by the Director of Personnel under an appointment procedure laid down by the Staff Regulations and Staff Rules and that they must be resolved on the basis of the rules of law which it was the Tribunal's responsibility to apply. It also noted that the question whether or not the applicant should be regarded as the holder of a contract of employment could only by decided after a substantive consideration of the case. The Tribunal, accordingly, rejected the respondent's plea and ruled that the application was receivable.

As regards substance, the Tribunal found that the applicant's oral statement on 4 June 1964 to an official having no competence in the matter and his visit to a doctor for a medical examination were not sufficient to create a contract of employment since the letter of 29 May 1964 from the Director of Personnel called for a reply by air mail. The Tribunal also found that the evidence before it showed that the cable of 5 June 1964 cancelling the offer of appointment had been duly delivered to the applicant on that day. It decided therefore that the letter of 6 June 1964 by which the applicant had informed the Director of Personnel that he was accepting the offer of appointment could not have had the legal effect attributed to it by the applicant. The Tribunal further noted that the letter of 29 May 1964 from the Director of Personnel and the documents attached to it clearly indicated the provisional nature of the offer made to the applicant. It held that, under staff rule 104.2, a unilateral act of the Administration—an authorization to begin official travel—was required for the appointment of an internationally recruited person to take place and observed that no such authorization had been issued to the applicant.

The Tribunal, accordingly, rejected the application.

5. Judgement No. 97 (4 October 1965):[6] Leak v. Secretary-General of the United Nations

Compensation for wrongful dismissal

In August 1962, the applicant, who held at the time a one-year fixed-term appointment as a Security Officer, was summarily dismissed for serious misconduct. In October 1964, after receiving the report of the Joint Appeals Board on the case, the Secretary-General rescinded the summary dismissal and ordered the payment to the applicant of the salary due for the uncompleted part of the appointment. In his application to the Tribunal, the applicant requested payment of compensation for wrongful dismissal as well as payment of full salary to the day of the judgement.

As regards competence, the respondent contended that the application did not relate to the observance of the applicant's contract of employment or terms of appointment and was, therefore, not receivable under article 2.1 of the Statute of the Tribunal. The Tribunal noted that the application raised the question whether the respondent had drawn all the necessary legal inferences from his decision to rescind the summary dismissal of the applicant and wheth-

[6] Mme P. Bastid, President; H. Gros Espiell, Member; L. Ignacio-Pinto, Member.

er he had gone as far as was required in restoring the *status quo*. Since that question was clearly within its competence, the Tribunal found that the application was receivable.

As regards substance, the Tribunal noted that after his separation from the service of the United Nations, the applicant had been recruited for a training period by the United Kingdom Prison Commission. In February 1963, however, his employment with the Commission was terminated after the receipt of information from the United Nations. The Tribunal expressed the conviction that the information supplied by the United Nations had played a decisive part in the termination of the applicant's employment. The Tribunal observed that when, subsequently, the respondent rescinded the summary dismissal of the applicant, he took no steps to restore the *status quo* in respect of the applicant's possibilities of finding other employment. Since an award of compensation was the only means of drawing the legal inferences from the obligations resulting from the rescinding of the summary dismissal, the Tribunal ordered the payment of $5,000 to the applicant. Observing that the applicant had held a fixed-term appointment, the Tribunal rejected his request for the payment of salary to the date of the judgement.

B. Decisions of the Administrative Tribunal of the International Labour Organisation[7] [8]

1. Judgement No. 80 (10 April 1965): Wasilewska v. International Telecommunication Union and Staff Superannuation and Benevolent Funds of ITU

Applicability of a pensions system which is modified during the term of a contract—Implicit acceptance by the official

The complainant, who entered the service of the International Telecommunication Union in 1949, became a member of the Pension Fund of ITU on the terms operative at that time. In 1959, the conditions of service of the staff of ITU were assimilated to those of United Nations staff. After communicating those decisions of principle to the agents of ITU, the Secretary-General informed the complainant, individually on 1 March 1960, of her classification in the new salary scales introduced on 1 January 1960 for assimilation purposes, while on 25 March 1960 she received a detailed statement of her salary, which indicated the amounts deducted as contributions to the United Nations Joint Staff Pension Fund. In September 1960, the Secretary-General published the Regulations for the Staff Superannuation and Benevolent Funds of ITU, effective 1 January 1960, which provided, *inter alia*,

[7] The Administrative Tribunal of the International Labour Organisation is competent to hear complaints alleging non-observance, in substance or in form, of the terms of appointment, and of such provisions of the Staff Regulations as are applicable to the case, of officials of the International Labour Office and of officials of the international organizations that have recognized the competence of the Tribunal, namely, as at 31 December 1965, the World Health Organization, the United Nations Educational, Scientific and Cultural Organization, the International Telecommunication Union, the World Meteorological Organization, the Food and Agriculture Organization of the United Nations, the European Organization for Nuclear Research, the Interim Commission for the International Trade Organization/General Agreement on Tariffs and Trade, the International Atomic Energy Agency, the United International Bureaux for the Protection of Intellectual Property, the European Organization for the Safety of Air Navigation and the Universal Postal Union. The Tribunal is also competent to hear disputes with regard to the execution of certain contracts concluded by the International Labour Organisation and disputes relating to the application of the Regulations of the former Staff Pensions Fund of the International Labour Organisation.

The Tribunal is open to any official of the International Labour Office and of the above-mentioned organizations, even if his employment has ceased, and to any person on whom the official's rights have devolved on his death, and to any other person who can show that he is entitled to some right under the terms of appointment of a deceased official or under provisions of the Staff Regulations on which the official could rely.

[8] Mr. M. Letourneur, President; Mr. A. Grisel, Vice-President; Lord Devlin, Judge.

for membership of the aforementioned Joint Staff Pension Fund for officials who had belonged to the ITU Staff Superannuation and Benevolent Funds on 31 December 1959. The service of the complainant having finally terminated on 30 June 1962, the Management Board of the ITU Staff Superannuation and Benevolent Funds informed her, on 5 November 1962, that it had granted her an annual pension of 7,233 Swiss francs, plus a cost-of-living allowance. On 21 December 1962, the complainant claimed that the said decision did not respect the pension undertakings she had been given upon her appointment, and claimed an annual pension of 9,998 Swiss francs. On 6 May 1963 she was informed in reply that, in setting the amount of her pension, the Board had merely acted in strict compliance with the Regulations of the Funds which had been effective on the date of its decision. The complainant brought suit before the Tribunal and contested the validity of the decision of 6 May 1963 in so far as it was based on the Regulations for the Staff Superannuation and Benevolent Funds in effect on the date of that decision instead of those in effect on the date of her engagement.

The Tribunal dismissed the complaint. It noted that, far from citing any non-compliance with the Regulations for the Staff Superannuation and Benevolent Funds in effect on the date when her pension had become payable, the complainant asserted that the impugned decision was illegal in that it made her subject to a system which altered the balance of contractual obligations with respect to her. By itself, the impugned decision, which was simply an act of execution, merely applied previous decisions adopted with regard to the modification of the ITU staff pensions system. As those decisions had not been contested before the Tribunal within the period specified in its Statute, they had become final so far as the complainant was concerned and irrevocably modified, prior to the date on which her pension rights were settled, both the terms of her contract of employment and the regulations applicable in her case.

2. Judgement No. 81 (10 April 1965): Metzler v. International Telecommunication Union and Staff Superannuation and Benevolent Funds of ITU

Applicability of a pensions system which is modified during the term of a contract—Implicit acceptance by the official—Competence of the Tribunal vis-à-vis *a person other than the official (Article II, paragraph 6 (b), of the Statute)*

In 1956, the husband of the complainant was elected Director of the International Radio Consultative Committee and, in accordance with his contract, became a member of the Pension Fund, but it was provided, by a special agreement concluded in accordance with the terms of the Regulations of the Fund, that both the amount of the entrance fee and that of the retirement pension would be reduced but that the widow's pension would not be subject to any reduction and would be fixed in accordance with the insured earnings. In 1959, the conditions of service of the staff of ITU were assimilated to those of United Nations staff; the persons affected were informed individually and the Secretary-General published the new Regulations (see Judgement No. 80) above. The husband of the complainant having died on 20 June 1963, his widow was informed on 30 July 1963 that she would receive an annual income of 19,600 Swiss francs, plus a cost-of-living allowance; this decision was confirmed by a letter dated 28 August 1963. The complainant brought suit before the Tribunal and claimed, principally, the payment of a monthly sum of 2,564.10 Swiss francs, excluding the cost-of-living allowance, and, subsidiarily, the reimbursement of the contributions paid into the Staff Superannuation and Benevolent Funds in respect of the amounts above those which had been used as a basis for calculating the pension. In support of her main demand she cited her husband's contract of engagement and the agreement concluded between him and the Pension Fund of ITU; as regards her subsidiary claim she maintained the right to recovery of payments made by mistake.

The Tribunal dismissed the complaint. It pointed out that article II, paragraph 6 (*b*), of the Statute of the Tribunal established a close link between the rights of the deceased official and the persons which it was designed to cover. However, such persons could not claim a right under a contractual or statutory clause which the official had not been entitled to invoke. Moreover, neither were they entitled to contest the validity of clauses which the official had been called upon to respect. The real aim of the complaint was to contest, not that the Regulations for the Staff Superannuation and Benevolent Funds of ITU in force at the time of death had been correctly applied, but the validity of the bases on which the amount of the widow's pension had been calculated resulting from the application of the new pension arrangement. Thus, the complainant was attempting to deduce rights from clauses to which her husband could not have had recourse, since the decisions relating to the application of the new pensions scheme had not been contested by him within the period prescribed by the Statute of the Tribunal, and those decisions, which thus became final in regard to him, had had the effect of irrevocably altering, before the date of his death, both the terms of his contract of appointment and the provisions of the Regulations applicable in his case. Similarly, the complainant could not claim the reimbursement of a part of the contributions paid by her husband into the Staff Superannuation and Benevolent Funds because, although it was true that the right to recovery of payments made by mistake was generally recognized and might, in consequence, be assimilated to a statutory right, her husband would not himself have been in a position to claim the reimbursement of the payments he had made, with full knowledge of the facts, into the Staff Superannuation and Benevolent Funds, by virtue of a decision which had been rendered final as far as he was concerned.

3. Judgement No. 82 (10 April 1965): Lindsey v. International Telecommunication Union (Failure to execute Judgement No. 61)

Immediately operative character of judgements of the Tribunal—A request to the International Court of Justice for an opinion has no suspensory effect

ITU having refused to give effect to item 7 of the operative part of Judgement No. 61 of 4 September 1962, which had awarded costs against it in the amount incurred by the complainant, the latter laid before the Tribunal a new complaint praying it to: (1) state that Judgement No. 61 had been and was immediately operative as regards its item 7; (2) direct ITU to pay to the complainant immediately the amount of the said costs, including 5 per cent interest on the sum overdue from 30 October 1962 (the date of the order of the President of the Tribunal fixing the said amount in implementation of item 7 of the operative part of the judgement); and (3) order that the costs of the new case, together with fair compensation, should be paid by ITU.

In regard to items 1 and 2 of the complainant's submissions, the Tribunal found that the aforementioned item 7 was, in itself, immediately operative and that, consequently, no explicit declaration to that effect was required. In accordance with a well-established principle of law, the Tribunal pointed out, any judgement compelling one party to pay to the other party a sum of money implies, in itself, the obligation to pay that sum without delay. It could be otherwise only in the event that the judgement expressly mentioned that this sum would be payable only at a later date and where the statutes of the court concerned make provision for the right to appeal against the judgements delivered by it and formally state that exercise of that right of appeal carries suspensory effect on execution of those judgements. In the present case, on the one hand, Judgement No. 61 did not indicate that the sum mentioned in item 7 of its operative part would be payable only at a later date. On the other hand, according to article VI, paragraph 1, of the Statute of the Tribunal, its "judgements shall be final and without appeal"; while, in fact, ITU, by virtue of article XII of the aforementioned Statute, has the option of asking the International Court of Justice for an opinion, which is binding, on the validity of judgements delivered by the Tribunal, this option, which can

moreover be used without any restriction as to time, does not affect, in the absence of any explicit provisions in the above-mentioned article XII, the immediately operative character of those judgements. With regard to the opinion which the organization may possibly request from the Court by virtue of article VII of the Agreement between the United Nations and ITU, this opinion is only of an advisory character and could not, in any event, have any influence on the execution of the judgement of the Tribunal. Secondly, the fact of the organization's giving effect to a judgement of the Administrative Tribunal could not, under any circumstances, be considered as acceptance of the said judgement and, in particular, could not divest it of its right to submit the judgement to the International Court of Justice for a statutory or advisory opinion.

In regard to item 3 of the complainant's submissions, the Tribunal held that the damage suffered by the complainant would be equitably remedied by deciding that the sum fixed by the President of the Tribunal in his order of 30 October 1962 should bear interest at the rate of 5 per cent as from the thirtieth day after notification to ITU of the said order. In addition, the costs incurred by the complainant in connexion with the new action should be borne by ITU.

4. Judgement No. 83 (10 April 1965): Jurado v. International Labour Organisation (No. 2—Appeal to the International Court of Justice)

Conditions under which the question of the validity of a decision rendered by the Tribunal may be submitted to the International Court of Justice for an advisory opinion—Article XII of the Statute of the Tribunal—Objection raised, in connexion with the further action, to the judges who delivered the contested judgement

By its Judgement No. 70 of 11 September 1964,[9] the Tribunal dismissed the complaint against the ILO in which the complainant prayed for the quashing of decisions taken by the Director-General of the International Labour Office by which he alleged that his immunity from jurisdiction in Switzerland had been illegally waived and that he had been illegally refused diplomatic protection. On 29 October 1964 the complainant requested the Director-General of the International Labour Office to place Judgement No. 70 before the Governing Body of the International Labour Office and to request the Governing Body, in accordance with article XII of the Statute of the Tribunal, to submit the said judgement to the International Court of Justice for an advisory opinion as to its validity, on the grounds that, in the opinion of the complainant, it had been vitiated by twenty-six fundamental faults in the procedure that had been followed. On 13 November 1964 the Chief of Personnel of the International Labour Office replied, on behalf of the Director-General, that none of the conditions required for invoking application of article XII of the Statute of the Administrative Tribunal had been fulfilled in this case, and that it was not possible to accede to the request. The complainant prayed the Tribunal to quash the aforesaid decision. As a first step, the complainant wished to object to the three members of the Tribunal who had delivered Judgement No. 70, on the grounds, *inter alia*, that they were interested in opposing any measure liable to lead to the invalidation of the aforementioned judgement.

The Tribunal held that there was no valid ground for the objection made as a first step. It also declared that it was not competent to consider the plea for the quashing of the decision of 13 November 1964. The Tribunal noted that, under the terms of article XII of its Statute, the possibility of submitting the question of the validity of the decision given by the Tribunal to the International Court of Justice was exclusively vested in the Governing Body of the International Labour Office or the Administrative Board of the Pensions Fund, as had been borne out by the Court itself in its advisory opinion dated 23 October 1956 (*I.C.J. Reports*,

[9] See *Juridical Yearbook*, 1964, p. 209.

1956, pp. 84-85). Such a possibility was open in the sole interest of the Organisation. Moreover, the exercise of that right must inevitably lead the Governing Body to take a stand on the validity of judgements rendered by the Administrative Tribunal. It followed that the Tribunal was not competent either to review the conditions under which, according to both its Standing Orders and its practice, the Governing Body might be requested by the Director-General to consider a proposal to submit or not to submit a specific case to the International Court of Justice, or the discretion exercised by the Governing Body in taking a decision on such a proposal.

5. Judgement No. 84 (10 April 1965): Gale v. United Nations Educational, Scientific and Cultural Organization

Termination of appointment on the ground of unsatisfactory services—Discretion of the Director-General—Authority of the Tribunal to review

The complainant was appointed as a member of the staff of UNESCO, for a period of five years beginning on 20 September 1962, subject to a period of probation of nine months, and was assigned to the duties of Principal of a Secondary Teacher Training College being established in Nigeria with the assistance of UNESCO. After he had taken up his duties, doubts were expressed as to his ability to carry out successfully the tasks of an administrative nature which appertained to his functions as Principal. It had been intimated to the complainant that, upon the expiry of his probationary period, unless he chose to resign, his appointment would be terminated. The complainant declined to resign, and, on 20 June 1963, his appointment was terminated on the grounds that his performance as Principal was not such as to warrant the maintenance of his appointment beyond the probationary period. After being granted one month's sick leave pay, the period of notice was extended from one month to three months. The complainant's appointment came to an end on 13 September 1963. In the meanwhile he had brought his case before the UNESCO Appeals Board, which, on 26 February 1964, recommended the Director-General either to offer the complainant a new appointment for which he would be suitable, or to award him an indemnity of three months' salary. The Director-General chose the second alternative. On 26 June 1964, the complainant prayed the Tribunal for the quashing of the decision to terminate his appointment and the award of an indemnity amounting to four years' salary.

The Tribunal dismissed the complaint. It pointed out that, under the terms of Regulation 9.1 of the Staff Regulations, the Director-General might terminate the appointment of a staff member at any time if his services ceased to be satisfactory, and went on to define the Director-General's discretion in the matter and the limits of its own authority to review in the following words:

> "The decision of the Director-General was therefore based upon his conclusion that the services of the complainant had ceased to be satisfactory. In arriving at this conclusion the Director-General was exercising his discretion. Therefore, while the Tribunal is competent to review this decision in so far as, on the one hand, it may have been taken by a person without authority, or in an irregular form, or if there may have been a failure to comply with recognized procedure or, on the other hand, if it may be tainted by an error of law or based on materially incorrect facts, or if essential material elements had been left out of account or if obviously wrong conclusions had been drawn from the evidence in the dossier, the Tribunal cannot substitute its own opinion for that of the Director-General. In accordance with this principle the only matters which in the circumstances of this case the Tribunal can investigate are whether there may have been a failure to comply with recognized procedure, or whether the decision may have been based upon materially incorrect facts or essential material elements left out of account."

After reviewing the reports on which the Director-General had based his decision, the Tribunal noted that it was not clear to what extent the provisions of the Staff Rules specifying that copies of reports on a staff member must be supplied to him, if they were applicable,

and the fundamental principle of the right to be heard, had been observed in the case of these reports. Therefore, without making further inquiries the Tribunal was not in a position to decide whether there might have been a failure to comply with recognized procedure. It was also possible that the Director-General had left essential matters out of account in reaching his decision, but without seeing the full text of the reports the Tribunal could not pronounce on this. If therefore the Tribunal had to decide whether or not to quash the decision of the Director-General, it would be necessary for it to demand further evidence. But the claim which it had to consider was for an improvement on the compensation which the complainant had already received. The complainant had received in all by way of compensation a sum equal to nine months' salary. In the opinion of the Tribunal, this compensation would be adequate even on the assumption that the decision to terminate the complainant's appointment was wrongful. An inquiry into whether the decision was wrongful or not was therefore without object.

6. JUDGEMENT NO. 85 (10 APRIL 1965): JURADO v. INTERNATIONAL LABOUR ORGANISATION (NO. 3—GRANT OF SICK LEAVE)

Challenge to the competence of the judges who examined the earlier actions brought by the same complainant—Inadmissibility of a plea for the quashing of a decision offering the individual concerned a choice between several courses of action

After being granted sick leave with effect from 14 January 1964, the complainant was allowed to resume work on 13 November 1964 for a trial period. In a letter dated 19 January 1965 the Chief of Personnel informed him that in the medical adviser's view his behaviour was such that his state of health could not be regarded as satisfactory and that accordingly his sick leave would be extended with effect from 21 January. In a letter dated 2 February 1965 the Chief of Personnel, in reply to protests by the complainant, informed him that he had the option of accepting an extension of his sick leave, of getting in touch with the medical adviser of the International Labour Office and requesting that his case should be examined by a medical specialist or an *ad hoc* medical panel, or of refusing to take his sick leave and resuming his duties at his own risk. The complainant brought suit before the Tribunal and, as a first step, challenged the competence of the judges who had examined his earlier complaints.[10] In substance he prayed primarily that the decision of 19 January 1965 should be rescinded, as should that of 2 February 1965 in so far as it confirmed the former.

The Tribunal held that there was no valid ground for the challenge made as a first step. As regards the substance, the Tribunal noted that the decision of 19 January 1965 had been rescinded by that of 2 February 1965 and therefore no ruling was called for on the plea for the quashing of that decision. The letter dated 2 February 1965 had given the complainant an opportunity of choosing between three courses of action; on that point the letter itself involved no decision and the plea concerning it was therefore inadmissible.

7. JUDGEMENT NO. 86 (6 NOVEMBER 1965): WIPF v. UNITED INTERNATIONAL BUREAUX FOR THE PROTECTION OF INTELLECTUAL PROPERTY

The Tribunal recorded the complainant's withdrawal of suit.

8. JUDGEMENT NO. 87 (6 NOVEMBER 1965): DI GIULIOMARIA v. FOOD AND AGRICULTURE ORGANIZATION OF THE UNITED NATIONS

Right of officials to act in defence of the interest of the staff—Conditions for dismissal without notice for serious misconduct

[10] See Judgement No. 70 of 11 September 1964 (*Juridical Yearbook*, 1964, p. 209) and Judgement No. 83 of 10 April 1965 (page 212 of this *Yearbook*).

On 18 December 1963 an Assembly of the staff association of FAO decided on the proposal of the complainant to reject the report presented to it by the Staff Council, while his proposal to dissolve the Association and reconstitute it in the form of a trade union was referred to a Committee elected by the Assembly, to which the complainant was appointed. After considering the report of that Committee, the Assembly decided to appoint a Salary Committee to aid the Staff Council in its negotiations with the administration for the improvement of General Service salaries, the complainant being elected a member of this Committee and subsequently assuming its chairmanship. A difference of opinion having arisen between the Staff Council and the Salary Committee, a Staff Assembly was convened through the agency of the Salary Committee. Prior to this Assembly, the complainant distributed to the staff as a whole a statement in which he criticized the Staff Council and proposed, *inter alia*, that the Assembly should remove all the members of the Staff Council from office and should demand that the FAO member countries form a committee to examine the relations between the Director-General and the staff. On 25 June 1964 the Staff Assembly decided to remove the members of the Staff Council. On 26 June 1964 the complainant was dismissed without notice, under article 330.251 of the FAO Administrative Manual, for "serious misconduct" as manifested in the aforementioned statement by the complainant's insubordination and impertinence, misrepresentation of facts and incitement to agitation, and by his injurious language. The complainant brought suit before the Tribunal praying that the decision to dismiss the complainant should be quashed, that he should be reinstated, and that compensation should be paid to him.

The Tribunal held the complaint to be well founded and, deeming that the rescinding of the decision impugned was inadvisable, awarded compensation in the amount of 5 million Italian lire to the complainant for the injury caused to him. The Tribunal noted, in the first place, that, whereas the Staff Council was the only body officially representing the staff in its dealings with the administration, the Staff Association, in spite of its private character, was a lawful association which had in fact been recognized by the Director-General. Hence, in submitting to an Assembly of the Association motions pertaining to the staff's demands, the complainant had merely been availing himself of the right of any member of the staff to defend his occupational interests. Subsequently, the complainant had been elected as a member of the Salary Committee and as its Chairman; from that date, he had carried on his activities as a representative of the Staff Association and it was in fact in that capacity that he had drafted the statement. In his capacity of staff representative the complainant had had responsibilities but had also enjoyed special rights, such as a considerable freedom of action and expression and the right to criticize the Staff Council and even, to some extent, the FAO authorities. The Tribunal stated, secondly, that by reason of its severity and of the fact that no formalities were prescribed for its application summary dismissal must necessarily be an exceptional measure which could be allowed only under an express provision and in accordance with the terms of such provision. In the case before the Tribunal, the applicable text was article 330.251 of the FAO Administrative Manual, which stipulated that summary dismissal might be imposed only when the misconduct of the staff member concerned was so serious that it had jeopardized or was likely to jeopardize the reputation of the Organization and its staff. The Tribunal then considered the statement on which the respondent had relied and found that that statement did not in fact manifest the characteristics which the Director-General had attributed to it; consequently, the Director-General had erred in reading into the statement the elements of "serious misconduct" within the meaning of the aforementioned article 330.251.

9. JUDGEMENT NO. 88 (6 NOVEMBER 1965): KISSAUN v. WORLD HEALTH ORGANIZATION (FIXING OF COMPENSATION)

Compensation in lieu of reinstatement—Amount of compensation to be fixed without reference to a hypothetical salary step increase—Period of time for which interest is to run—Claim for compensation for damage to health resulting from termination

In its Judgement No. 69 of 11 September 1964,[11] quashing the decision not to confirm the appointment of the complainant at the end of the probationary period on the grounds of failure to comply with the recognized procedure and infringement of the right to be heard, the Tribunal invited WHO to reopen the case, to enable the complainant to exercise his rights, and to consider whether he should be reinstated. The Organization, considering it inadvisable to reopen the case with a view to his possible reinstatement, offered to pay the complainant compensation amounting to $10,120.43, representing his salary for the period between the premature termination of his appointment and the date when his appointment would normally have ended, plus interest at 4 per cent for the period between 1 June 1963, date of the normal termination of his appointment, and 11 September 1964, date on which the above-mentioned judgement had been delivered. The complainant considered this offer inadequate and brought suit before the Tribunal. He argued (1) that account should be taken, in fixing the amount of compensation, of one salary step to which he would have been entitled if he had remained in the Organization's service, and (2) that the 4 per cent interest should be computed up to the date of payment of compensation; he also claimed (3) additional compensation of $20,000 for psychological disturbance resulting from this termination.

In its judgement, the Tribunal recorded the offer of the Organization to pay the complainant a sum of $10,120.43 and rejected the complainant's three submissions. With respect to the first submission, the Tribunal noted that the complainant would not necessarily have received an increment if he had remained in the organization's service, since the organization had the option of extending the probationary period without increasing his salary. As regards the second submission, the Organization's offer, even it was slightly inadequate in respect of interest, was liberal in respect of capital and was satisfactory as a whole. With respect to the third submission, the complainant could have expected the termination of his employment at the end of its normal term, and therefore, failing quite exceptional circumstances, he had no grounds for maintaining that his dismissal had led to the deterioration of his health and to incapacity for work after that date; the existence of any such circumstances had not been established.

10. Judgement No. 89 (6 November 1965): Barakat v. the International Labour Organisation

Conduct of commercial activities by an international civil servant—Legality of the choice given to the official between voluntary resignation and the initiation of disciplinary proceedings

Complainant having requested a waiver of his immunity from jurisdiction in order to institute judicial proceedings relating to the refusal to make available a substantial financial contribution which he considered to have been pledged for the purposes of a transaction of a commercial character, the investigation of his request led to an inquiry as a result of which the defendant Organisation felt satisfied that complainant was engaging in unauthorized outside activities which, moreover, were incompatible with his status as an international civil servant. On 13 October 1964, complainant was advised that the Director-General deemed that the outside occupations in the sense of article 1.2 of the Staff Regulations in which complainant had engaged without permission constituted serious misconduct liable to the sanction of summary dismissal. However, before submitting to the Joint Committee a proposal for summary dismissal, the Director-General allowed complainant the option to resign within forty-eight hours, failing which disciplinary proceedings would be initiated. On 15 October 1964, complainant submitted a resignation without conditions or restrictions, to take effect on 15 November 1964, which resignation was accepted forthwith. After having submitted a complaint to the Director-General alleging that he had been treated in an unfair and unjusti-

[11] See *Juridical Yearbook*, 1964, p. 208.

fiable manner, and after that complaint had been rejected on 24 November 1964, complainant lodged his complaint with the Tribunal and submitted that the financial operations he had engaged in were aimed at investing his private estate, were in no way contrary to law, involved no risk of throwing the Organisation into public discredit, and were not incompatible with his status as an international civil servant; in the circumstances, the decisions of 13 and 24 November 1964, which in his view had resulted in obtaining his resignation under duress were illegitimate and arbitrary. The defendant Organisation first challenged, *in limine litis*, the competence of the Tribunal to entertain the complaint, on the ground that, in objecting to the alternative between resignation and the initiation of disciplinary proceedings which was offered to him, complainant failed to advance any violation of his terms of appointment or of any relevant provision of the Staff Regulations.

The Tribunal rejected the challenge of its competence, noting that complainant had not confined himself to alleging infringement of articles 1.2 and 12.1 of the Staff Regulations, but had also complained that undue influence had been brought to bear upon him to secure his resignation, thus implying infringement by the Director-General of a general rule of law which was equally applicable to the international civil service. The Tribunal rejected the complaint on the merits. It pointed out that the allegations against Mr. Barakat had been of such a nature as to justify initiating disciplinary proceedings. Consequently, in offering Mr. Barakat the choice between voluntary resignation and appearing before the Joint Committee, the Director-General, far from bringing any kind of pressure to bear, was simply offering him a solution which he was in no way obliged to offer. Moreover, it had been open to Mr. Barakat in the course of the proceedings, if he had so desired, to defend himself against the charges preferred against him. The choice that had lain before him had therefore been entirely free and his appointment had been terminated as a result of his own resignation, freely tendered.

11. Judgement No. 90 (6 November 1965): Prasad v. Food and Agriculture Organization of the United Nations

Termination of a staff member for unsatisfactory service—Need for notice in writing—Distinction between notice and reprimand

On 6 April 1964, the FAO Deputy Regional Representative notified the complainant, a driver-messenger in the FAO Office in New Delhi, that he had decided to terminate the complainant's appointment, effective immediately on the grounds of unsatisfactory performance of duty; he said that, in coming to that decision, he had had in mind especially the occasions of unsatisfactory service to which the complainant's attention had been drawn such as careless handling of cash entrusted to him, the careless driving of a motor-scooter belonging to the Organization, his accident record and his general attitude of non-co-operation with his supervisors and colleagues, all of which had made his job performance below the acceptable level. When the Director-General had confirmed that decision, the complainant had submitted an appeal to the Appeals Committee, which recommended that the Director-General should reconsider his decision. The latter had refused to follow that recommendation but had stated his willingness, with the agreement of the person concerned, which the Staff Regulations required in such cases, to convert the termination for unsatisfactory service into a termination in the interest of the good administration of the Organization, with consequent increase in the termination indemnities payable. Complainant declined that offer and instituted proceedings before the Tribunal, praying for the quashing of the decision to terminate his appointment.

The Tribunal reversed the decision which had been challenged, basing itself on the fact that there had been no written warning as required by the terms of the Staff Manual provision 314.221 relating to the termination of appointment for unsatisfactory service. It pointed out

that a warning was different from a reprimand. It was not enough that the employer should be able to point to several occasions in the course of a long service when a rebuke had been administered. What was contemplated by the above-mentioned provision was that the employee should be told in what respect his service as a whole had proved unsatisfactory and warned that if he did not give better service, he faced the possibility of dismissal. A reminder, for example, to drive more carefully was not a warning, the disregard of which was sufficient to justify a dismissal for unsatisfactory service.

Chapter VI

SELECTED LEGAL OPINIONS OF THE SECRETARIAT OF THE UNITED NATIONS AND RELATED INTER-GOVERNMENTAL ORGANIZATIONS

A. Legal opinions of the Office of Legal Affairs of the United Nations

1. Inviolability of United Nations offices located in rented premises

Aide-Mémoire to the Permanent Mission of a Member State

1. With only a very few exceptions, notably in the United States and Switzerland, all offices of the United Nations throughout the world are located in rented premises comprising either whole buildings or parts thereof. These premises enjoy inviolability either directly under the Convention on the Privileges and Immunities of the United Nations[1] to which ninety Member States have acceded, or, where the State was not a party to the Convention, by special agreement with the government concerned.

2. Article II, section 3, of the Convention provides, *inter alia*, that "The premises of the United Nations shall be inviolable."

3. In those cases where the State is not a party to the Convention, agreements concerning privileges and immunities are included which incorporate all the provisions of the Convention or set forth those privileges and immunities considered essential including inviolability of premises. For example, agreements with the Republic of Korea, which is not a member of the United Nations, and with Japan, before it became a member of the United Nations, provided that the United Nations would enjoy, *inter alia*, the privileges and immunities defined in articles I, II and III of the Convention on the Privileges and Immunities of the United Nations. (See paragraph 1 of article IV of the Exchange of letters constituting an agreement between the United Nations and Korea regarding privileges and immunities to be enjoyed by the United Nations in the Republic of Korea,[2] signed at Pusan on 21 September 1951, and article I, paragraph (1) of the Agreement between the United Nations and Japan on privileges and immunities of the United Nations,[3] signed at Tokyo on 25 July 1952.) The Status of ONUC Agreement[4] concluded with the Congo, before it became a party to the Convention on the Privileges and Immunities of the United Nations, contained a special article on premises as follows:

"*Premises*

"24. The Government shall provide, in agreement with the United Nations accomodation service, such buildings or areas for headquarters, camps or other premises as may be necessary for the accommodation of the personnel and services of the United Nations and enable them to carry out their functions. Without prejudice to the fact that all such premises remain Congolese territory, they shall be inviolable and subject to the exclusive control and authority of the United

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

[2] *Ibid.*, vol. 104, p. 323.

[3] *Ibid.*, vol. 135, p. 305.

[4] *Ibid.*, vol. 414, p. 229.

Nations. This authority and control extend to the adjacent public ways to the extent necessary to regulate access to the premises. The United Nations alone may consent to the entry of any government officials to perform duties on such premises or of any other person. Every person who so desires for a lawful purpose shall be allowed free access to the premises placed under the authoritity of the United Nations.

"25. If the United Nations should take over premises previously occupied by private persons and thus represented a source of income, the Government shall assist the United Nations to lease them at a reasonable rental."

4. The Technical Assistance Board and the Special Fund concluded special agreements which follow a model text committing the government, where it is not already a party, to apply the provisions of the Convention on the Privileges and Immunities of the United Nations.[5]

5. In summary, the vast majority of the United Nations offices are in rented premises which are inviolable either under the Convention on the Privileges and Immunities of the United Nations or under special agreements.

6. Incidentally it may also be noted that the Vienna Convention on Diplomatic Relations, 1961,[6] makes no distinction with respect to rented premises. Article 1 (*i*) gives the following definition:

"The 'premises of the mission' are the buildings or parts of buildings and the land ancillary thereto, *irrespective of ownership*, used for the purposes of the mission including the residence of the head of the mission." (Italics added.)

Article 22 of the Vienna Convention provides:

"1. The premises of the mission shall be inviolable. The agents of the receiving State may not enter them, except with the consent of the head of the mission.

"2. The receiving State is under a special duty to take all appropriate steps to protect the premises of the mission against any intrusion or damage and to prevent any disturbance of the peace of the mission or impairment of its dignity.

"3. The premises of the mission, their furnishings and other property thereon and the means of transport of the mission shall be immune from search, requisition, attachment or execution."

While the Vienna Convention of course does not apply to international organizations, it is indicative of the fact that no distinction is made in the inviolability of those premises which are owned and those premises which are rented or otherwise held on a more temporary basis. In this respect it is declaratory of existing international law.

15 July 1965

2. Exemption of the United Nations from the New York State Sales and Compensating Use Tax

Memorandum to the Chief of the Purchase and Standards Section, Office of General Services

1. We wish to refer to your memorandum of 13 May 1965 in which you inquire concerning the position of the United Nations with respect to payment of the New York State Sales Tax on its purchases of equipment, supplies and services. The text of the New York Statute imposing the "sales and compensating use tax" provides, *inter alia*, that:

[5] See *Juridical Yearbook*, 1963, pp. 27 and 31.

[6] United Nations, *Treaty Series*, vol. 500, p. 95.

"(*a*) Except as otherwise provided in this section, any sale or amusement charge by or to any of the following or any use or occupancy by any of the following shall not be subject to the sales and compensating use taxes imposed under this article:

...

"(3) The United Nations or any international organization of which the United States of America is a member where it is the purchaser, user or consumer, or where it sells services or property of a kind not ordinarily sold by private persons; and" (Article 28, section 1116 of the New York State Tax Law)

2. There is no exception which would apply to the United Nations as a purchaser, user or consumer. Consequently, the United Nations is exempt from the tax on its purchases of equipment, supplies and services.

26 May 1965

3. Prohibition of the use of the name of the United Nations for commercial purposes

Letter in answer to an inquiry by a private person

1. This is in reply to your letter of 25 March 1965 to this Office, which inquired whether there is any legal or other objection to the name "United Nations" being used as part of the corporate name of a corporation to be organized by one of your clients. The corporation, you point out, would be a business corporation organized for profit.

2. Use of the name "United Nations" is in fact restricted by resolution 92 (I) adopted by the General Assembly of the United Nations on 7 December 1946. The Assembly in the resolution stated that it considered it necessary to protect the name of the Organization and recommended that its Member States should take such legislative or other appropriate measures as are necessary to prevent the name of the United Nations or abbreviations thereof being used, particularly for commercial purposes, without authorization from the Secretary-General of the United Nations.

3. Thus use of the name "United Nations" without authorization from the Secretary-General would clearly be objectionable from the point of view of the United Nations. Such use within the United States would also, no doubt, be a matter which the United States Government would seek to prevent.

4. In New York State it has been made a penal offence (section 964—a of the New York Penal Code) to use the name "United Nations" as a part of a trade name, for advertising purposes or the purposes of trade, or for any other purpose, without express authority from the Secretary-General.

5. We should also add that it is the established policy of the United Nations not to grant permission for the use of its name in connexion with commercial purposes, and that accordingly it would not be possible for the United Nations to authorize the use of its name by the corporation to be organized by your client.

6 April 1965

4. Status of Permanent Representatives to the United Nations Office at Geneva—Legal basis—Requirements for appointing a Permanent Representative and members of a Permanent Mission

I

Letter to the Foreign Minister of a Member State

...

There are no provisions in the United Nations Agreement with Switzerland concerning the status of resident or permanent representatives similar to those contained in the Head-

quarters Agreement with the United States.[7] The Agreement on Privileges and Immunities concluded with Switzerland in 1946[8] provides only for representatives of Members of the United Nations on its principal and subsidiary organs and at conferences convened by the United Nations. On the other hand, the diplomatic status of resident representatives in Geneva has been unilaterally accorded by decree of the Swiss Federal Council of 31 March 1948[9] and the details relating to permanent missions have been dependent upon that decree and upon the practice which has developed. One of the requirements which has developed in practice is that in order to establish a permanent mission and to appoint a permanent representative entitled to the benefits of the decree of the Swiss Federal Council, a permanently functioning office and staff must be provided at the seat of the United Nations Office at Geneva. ...

17 June 1965

II

Letter to the Permanent Representative of a Member State

1. Following our discussion concerning the appointment of Mr. ... as a member of your Permanent Mission to the United Nations in Geneva, we should like to confirm the following.

2. The principle is, of course, that a Member State has the unquestionable right of appointing a member of its Permanent Mission. While this is the fundamental principle, there are in some cases certain practical difficulties which must be taken into consideration.

3. Under the existing arrangements, both at United Nations Headquarters in New York and at the European Office of the United Nations in Geneva, a member of a Permanent Mission enjoys diplomatic privileges and immunities. At the European Office the immunities are granted by the Swiss Government on the certification of the Head of the Geneva Office that the person is a member of a Permanent Mission accredited to that Office. In order to be in a position to deliver such a certification the European Office must be satisfied that the person concerned is to reside permanently in Geneva during the period of his assignment and is to work continuously for the Permanent Mission. A person who is in Geneva for the purpose of attending one or more conferences does not come within the concept of a member of a Permanent Mission.

4. The difficulties are somewhat enhanced when the person to be assigned is not a national of the country which he is appointed to represent. While the provisions relating to restrictions on the nationality of a diplomatic agent contained in the Vienna Convention of 1961 on diplomatic relations are not applicable for United Nations purposes, such cases are examined with greater care since in the past there have been attempts on the part of some Governments to appoint persons of other nationalities in an honourary capacity...

5. Under these conditions it would be very useful if we could be informed whether Mr. ... will take up residence in Geneva and whether his duties will be continuous or whether he will attend only certain conferences. In the latter case he would enjoy the privileges and immunities accorded to representatives of Members of the United Nations under the Agreement on Privileges and Immunities of the United Nations[10] concluded between the Secretary-General and the Swiss Federal Council on 11 June and 1 July 1946. The privileges and immunities provided in this agreement with Switzerland are similar to those for repre-

[7] United Nations, *Treaty Series*, vol. 11, p. 11.

[8] *Ibid.*, vol. 1, p. 163 and vol. 509, p. 308.

[9] 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. 92.

[10] United Nations, *Treaty Series*, vol. 1, p. 163 and vol. 509, p. 308.

sentatives of Members under article IV of the Convention on the Privileges and Immunities of the United Nations.[11]

17 May 1965

5. Question of voting or representation by proxy in the United Nations and its specialized agencies

I

Letter to a resident representative of the Technical Assistance Board

1. We are replying to your letter concerning an enquiry which you received from one of the embassies in Addis Ababa as regards the question of one person acting as a delegate to a United Nations body for two or more countries.

2. The matter is one which has been raised from time to time in the past and one on which the Office of Legal Affairs has taken a consistent stand—that representation by one delegate of more than one country is improper and undesirable. There have been several instances where attempts at such representation at United Nations Conferences have been effectively discouraged and the position of the Organization on this matter could be regarded as a constant one.

3. The practice of one delegate representing two or more countries, if allowed to grow up, would be inconsistent with one of the basic concepts underlying deliberations in United Nations organs *i.e.* that the various members of these organs should be represented by different delegates who reach conclusions on the issues discussed only after considering the arguments advanced in debate as they affect the interests of their own respective countries. It would be undesirable and open to objections for one delegate to represent more than one country in an organ taking political decisions and thereby to have more voting power than other delegates.

4. The purely procedural implications of such a practice in relation to voting at the conclusion of debate are also to be kept in mind. To take as an example the rules of procedure of the Economic Commission for Africa itself, rule 55 provides that "Each member of the Commission shall have one vote" and rule 57 that "...the Commission shall normally vote by show of hands...". The practical difficulties alone that will be encountered in the application of these rules if one delegate were representing two Member States are self-evident.

5. The participation in a technical meeting through an expert already participating for another country does not seem to present much practical importance. The expert will not be able to bring any special technical contribution to the work of the organ because he represents two countries rather than one, and the political significance of being "represented" at such technical meetings by an expert from another country seems to be negligible.

6. Of course, the special difficulties facing some of the smaller Member States, particularly in Africa, in sending representatives of their own to meetings are understood and appreciated. You will recall, however, that under United Nations procedures and practices, Member States receive adequate information as to the proceedings of United Nations organs through the records and reports which are sent to them by the Secretariat. Members unable to participate in meetings can address written communications to the organs concerned, which are reproduced as official documents.

1 September 1965

[11] *Ibid.*, vol. 1, p. 15.

II

Memorandum to the Associate Director of the Joint Administration Division, Technical Assistance Board/United Nations Special Fund

1. In response to your memorandum of 11 October transmitting a copy of a letter from the regional representative in Dakar, we have the following observations on the question of voting by proxy in the United Nations and its specialized agencies.

2. The regional representative is quite right in his conclusion that there is no voting or representation by proxy at meetings or conferences of the United Nations. Although there is no such express prohibition, representation of more than one government by a single representative has never been permitted and interested governments have been so informed. However, representation of a member by a national of another State (or by a member of a different delegation) has been permitted in cases where the representative does not simultaneously serve as a representative of both States.

3. In the case of the specialized agencies we have found that two of the specialized agencies, the International Telecommunication Union and the Universal Postal Union, have provisions in their rules permitting representation of one delegation by another. The specific provisions are the following. Paragraph 7 of chapter 5 of the General Regulations annexed to the International Telecommunication Convention, Geneva, 1959 provides that "a duly accredited delegation may give a mandate to another duly accredited delegation to exercise its vote at one or more sessions at which it is unable to be present. In this case it must notify the Chairman of the Conference." Article 11, paragraph 2 of chapter II of the organic and general provisions concerning the Universal Postal Union, October 1957, provides that "each country is represented at the Congress by one or more plenipotentiary delegates, furnished with the necessary powers by their Government. It may, if necessary, be represented by the delegation of another country. However, it is understood that a delegation may represent only one other country besides his own."

4. It is our impression that none of the other specialized agencies permit "proxy representation". We have ascertained that in at least two of the specialized agencies, UNESCO and FAO, there are express provisions against representation by a delegate of more than one member. (For UNESCO see rule 79 of the rules of procedure of the General Conference and for FAO article 3, paragraph 3, of the Constitution).

22 October 1965

6. LEGAL POSITION OF THE SECURITY COUNCIL AND THE ECONOMIC AND SOCIAL COUNCIL DURING THE PERIOD BETWEEN THE TIME WHEN THE CHARTER AMENDMENT INCREASING MEMBERSHIP OF EACH COUNCIL COMES INTO FORCE AND THE TIME WHEN THE GENERAL ASSEMBLY ELECTS THE NEW MEMBERS

Memorandum to the Chef de Cabinet and to the Under-Secretary for Economic and Social Affairs

1. Several representatives and the Economic and Social Council secretariat have addressed inquiries to the Office of Legal Affairs as to the legal position of the Security Council and the Economic and Social Council during the period between the time when the Charter amendment concerning their membership comes into force and the time when the General Assembly elects the new members for each Council as provided in the amendment. Concern has been expressed that some delegates might question the legality of Council sessions on the ground that they would not be constituted as required by the amended Charter provisions. The provision in Article 108 of the Charter that amendments come into force upon ratification by two-thirds of the United Nations membership does not, of course, render an amendment self-executing and provides no guidance where, as is the case here, implementing action by the General Assembly is necessary after the coming into force of the amendment.

2. The amendment to Article 23, paragraph 2, makes provision for "the first election of the non-permanent members after the increase of the membership of the Security Council". In the amendment to Article 61, similarly, reference is made to the first election after the increase in the membership of the Economic and Social Council. Under these provisions no General Assembly election of the additional members could take place prior to the creation of the additional seats. Thus, by the terms of the amendment itself, a period of time would have to intervene between the coming into force of the amendment and compliance by the General Assembly with the provision to elect more members.

3. Neither the effect nor the permissible duration of the time-lag between the coming into force and the required elections was explicitly provided for in General Assembly resolution 1991 (XVIII). In the absence of such express provision, these two matters must be determined by inference.

4. One inference which has given rise to the concern mentioned above is that, pending the elections, neither Council can be legally constituted and no Security or Economic and Social Council proceedings can take place.

5. This interpretation would however result in a situation inconsistent with Article 28 which provides that the Security Council shall be so organized as to be able to function continuously. There is no basis in the *travaux préparatoires* or in the text itself for imputing to the General Assembly, when resolution 1991 (XVIII) was adopted, the intention to act inconsistently with Article 28 of the Charter. Accepted canons of interpretation of legal texts would, in such circumstance, preclude so interpreting the amendments.

6. Applied to the Economic and Social Council, this interpretation assumes a General Assembly intention that the Council should cease to perform its functions under the Charter for some period except in the event of the amendment's coming into force at so opportune a time as to permit General Assembly elections prior to the convening of the next Council session. It is more reasonable and consistent with applicable legal principles to assume that if such was its intention, the General Assembly would have provided for that result in express terms.

7. It is a well accepted principle of interpretation of legal texts that, as between two alternatives both possible under the explicit terms of one part of the instrument, the interpretation contravening other parts should be avoided and the interpretation to be adopted is the one most consonant with the terms and purposes of the instrument as a whole. An interpretation tending to so extreme a consequence as a break in the functioning of two major United Nations organs could not be accepted without clear support in the text itself or in the reports of the General Assembly. A close examination of the text and of the pertinent records of the organs concerned fails to reveal the slightest evidence for such an interpretation.

8. It is therefore our view that the time-lag between the amendment's coming into force and the elections will not render the Security and Economic and Social Councils incapable of performing their functions.

6 July 1965

7. United Nations Conference on Trade and Development—Election of the members of the committees of the Trade and Development Board—Inclusion of new member States of UNCTAD in lists A, B, C and D of the annex to General Assembly resolution 1995 (XIX)

Note to the Trade and Development Board

1. The question has been raised as to the procedure to be followed in listing States which had become members of UNCTAD after the adoption of the lists of States in parts A,

B, C and D of the annex to resolution 1995 (XIX). Such new members are Malawi, Malta and Zambia, none of which has been listed in any of the annexes.

2. The only provision in resolution 1995 which relates to the question of changes in the lists of States contained in the annex is paragraph 6 which reads as follows: "The lists of States contained in the annex shall be reviewed periodically by the Conference in the light of changes in membership of the Conference and other factors." The responsibility given to the Conference to "review periodically" the lists of States seems to imply in this context that the Conference would have the right to make changes in the lists when new members enter the Conference. An alternative interpretation would require changes in the lists to be made by the General Assembly after review by the Conference, a result which could in some circumstances deprive a member of the opportunity to be elected to the Board.

3. The present question is whether such additions to the lists in the annex can only be made by the Conference itself and consequently whether the new States must wait until the next Conference before being entitled to take part in the groups established by the annex. In terms of the resolution, this question does not arise since the groups are listed in the annex only in regard to the election of the members of the Board under paragraph 5 (and for that event the Conference could modify the lists in time for the elections to the Board).

4. However, if the Board should decide (as seems to be the case) that the lists in the annex are to be employed as a basis for elections to subsidiary organs, provision would have to be made so that new members would be eligible for such elections. The Board could reach that result simply by deciding that the new members are to be treated as part of an appropriate group of the annex for purposes of the elections to subsidiary organs. This would solve the present problem without the Board changing the membership of the groups for purposes other than election to the subsidiary organs. It thus becomes legally unnecessary in this connexion for the Board to rely on paragraph 14 (which states that "When the Conference is not in session, the Board shall carry out the functions that fall within the competence of the Conference").

5. To sum up, it is concluded that, on the request of the member States concerned, the Board may associate those States with an appropriate list contained in the annex to the resolution for the purpose of selecting the membership of the subsidiary organs of the Board.

21 April 1965

8. UNITED NATIONS CONFERENCE ON TRADE AND DEVELOPMENT—PARTICIPATION OF INTER-GOVERNMENTAL ORGANIZATIONS IN THE PROCEEDINGS OF THE SPECIAL COMMITTEE ON PREFERENCES

Memorandum to the Secretary-General of the United Nations Conference on Trade and Development

1. This is with reference to the question you raised with us as to whether inter-governmental organizations, such as GATT and the European Economic Community, are entitled to participate as a matter of right in the proceedings of the Special Committee on Preferences of UNCTAD. In our opinion, they have no such right for the following reasons.

2. The Special Committee on Preferences derives its origin from a resolution adopted by the 1964 Conference on Trade and Development and contained in Annex A.III.5 of the Final Act. The resolution, with the preamble omitted, reads as follows:

"*The Conference,*

"...

"*Recommends* that the Secretary-General of the United Nations make appropriate arrangements for the establishment as soon as possible of a committee of governmental representatives, drawn from both developed and developing countries, to consider the matter, with a view to

working out the best method of implementing such preferences on the basis of non-reciprocity from the developing countries, as well as to discuss further the differences of principle referred to above. The Committee should take into account the recommendations, documents and declarations considered by the Conference, as well as the relevant work of other international institutions. The Committee should report to the Secretary-General of the United Nations within a time limit to be set by him. The report of the Committee should be circulated to the Governments participating in this Conference and to the continuing machinery established following the United Nations Conference on Trade and Development."

3. In the absence of any comparable resolution of the Trade and Development Board, it would seem that the Special Committee on Preferences, having been established by virtue of a resolution of the Conference, is a subsidiary organ of the 1964 Conference rather than of the Board. The mere fact that it is required to report to the ensuing "continuing machinery", of which the Board forms a part, would not make it a subsidiary organ of the Board any more than of the Secretary-General of the United Nations to whom the Special Committee is also required to report. It would then follow that the rules of procedure recently adopted by the Board would not be applicable to the question and that the specialized agencies and other inter-governmental organizations in question cannot claim a right to participation in the Special Committee on Preferences on the basis of those rules of procedure. It would also follow that paragraph 11 of section II of resolution 1995 (XIX) of the General Assembly, which deals with the participation of inter-governmental bodies in the deliberations of the Board and its subsidiary bodies and working groups, would not give rise to such a right for inter-governmental bodies, since this provision of the resolution deals only with participation in the Board itself and in the "subsidiary bodies and working groups *established by it*". (Italics added.)

4. As regards the rules of procedure of the 1964 Conference, and even assuming that those rules still have some force, the right of specialized agencies and inter-governmental bodies to participate in proceedings of the Conference is expressly limited by those rules to the deliberations "of the Conference and its main committees and sub-committees", and even then only "upon the invitation of the President or Chairman" (rule 59, para. 1). The Special Committee on Preferences is clearly not a main committee of the 1964 Conference inasmuch as it is not included among the five main committees established as such by that Conference and enumerated in a footnote to rule 45 of its rules of procedure. Neither does the Special Committee appear to be a sub-committee of any of these main committees. The inter-governmental bodies in question thus have no right to participation in the Special Committee on Preferences under the rules of procedure of the 1964 Conference.

5. Finally, the question might be raised as to whether the specialized agencies have a right to participate under the Agreements on relationships with the United Nations. As already stated above, the Special Committee appears to be a subsidiary organ of the Conference. In any case, it is difficult to consider it to be a committee or subsidiary organ of the General Assembly or of the other United Nations organs in the deliberations of which those agencies are entitled to participate under the relevant provisions of the various Agreements on relationships with the United Nations.

7 May 1965

9. United Nations Conference on Trade and Development—Right of FAO and GATT to nominate one member each of the Advisory Committee of the Trade and Development Board

Memorandum to the Secretary-General of the United Nations Conference on Trade and Development

1. You have asked for our opinion with respect to the rights of FAO and GATT under the provision in resolution 8 (I) of the Trade and Development Board which specifies that the

Advisory Committee of the Board "shall consist of... a person... nominated by FAO [and] a person nominated by the Contracting Parties to GATT", among other members. The question is whether the rights of FAO and GATT to nominate members of the Advisory Committee should be deemed equivalent to an absolute right to select one member each of the Advisory Committee.

2. It is our view that an affirmative reply is in keeping with the text of the resolution and its background. The words "shall consist of", in the provision quoted above, would in their normal meaning indicate that whoever is nominated by the FAO or by GATT would be a member of the Advisory Committee. Moreover, the resolution in question explicitly gives the Board a role in the selection of the four other members of the Advisory Committee, without giving the Board the same function as regards members nominated by FAO and GATT, and this supports the inference that the resolution had no intention to confer a similar function on the Board with respect to the members to be nominated by FAO and GATT.

3. The foregoing conclusion finds support in the history of the establishment of the Advisory Committee. It will be recalled in this regard that the Advisory Committee is an outgrowth of paragraph 23 of section II of General Assembly resolution 1995 (XIX). In this provision the Assembly expressed an intention to maintain the Interim Co-ordinating Committee for International Commodity Arrangements (ICCICA), two of the members of which were similarly "nominated" by GATT and FAO [Economic and Social Council resolution 373 (XIII)] under selection arrangements which endowed in practice a nomination with the character of finality. The acceptance and observance of this practice over a period of more than a decade, taken together with the decision of the General Assembly to continue the existence of ICCICA now transformed into the Advisory Committee, indicates that the members of the Advisory Committee should continue to be selected in the same manner as the members of ICCICA, except where the resolution relating to the Advisory Committee prescribes a different procedure.

4. For the foregoing reasons, we are of the opinion that the two persons nominated by FAO and GATT should be included by the Board in the membership of the Advisory Committee, without subjecting them to the selection process applicable to the other members of the Advisory Committee.

13 October 1965

10. United Nations Conference on Trade and Development—Binding character of paragraph 4 of Trade and Development Board resolution 17 (II) concerning the procedure for voting on the question of the location of the secretariat

Memorandum to the Secretary-General of the United Nations Conference on Trade and Development

1. We refer to the question you raised with us recently concerning the binding character of paragraph 4 of Trade and Development Board resolution 17 (II) on the special meeting to be held by the Board on 28 October 1965 for the purpose of adopting a recommendation on the location of the UNCTAD secretariat.

2. In our opinion, there is nothing in the text of resolution 17 (II) which would legally commit the Board at its 28 October meeting to observe only the special voting procedure laid down in that resolution to the exclusion of any other procedure it may subsequently decide to follow. Although some statements were made in the discussion preceding the adoption of the resolution which suggest that some delegates to the Board understood it in that sense, it is always open to the Board to adopt a decision at variance with one previously adopted by it. Nor is there any provision in the rules of procedure of the Board which would constitute a legal bar to the adoption by the Board of a new decision on the voting procedure to be ap-

plied during the 28 October meeting. As you know, the rules of procedure of the Board, unlike those of the Conference, do not even contain a rule on reconsideration of proposals similar to rule 83 of the rules of procedure of the General Assembly, according to which a proposal, once adopted or rejected, "may not be reconsidered at the same session unless the General Assembly, by a two-thirds majority of the Members present and voting, so decides".

3. We might add that this conclusion is completely consistent with the statement made by the Acting Chairman on a directly parallel question at the 43rd meeting of the Board held on 11 September. In this ruling the Acting Chairman held in substance that the Board could adopt a new recommendation on the location of the secretariat the effect of which would be to supersede the resolution on the same subject adopted by the Board earlier on 28 April of this year. Similarly, several delegates (Argentina, Lebanon, Tanzania) expressed opinions to the effect that a decision or resolution could always be rescinded or modified, either explicitly or implicitly, by a new law or resolution on the same subject.

4. In the absence of any indication to the contrary in the resolution in question, the decisions forming resolution 17 (II) of the Board should in accordance with normal legal principles be considered divisible so as to enable the Board to give effect to some paragraphs of that resolution and at the same time take new decisions on matters dealt with in other paragraphs.

15 October 1965

11. Procedure for extending the duration of the 1963 Protocol [12] for the prolongation of the International Sugar Agreement of 1958 [13]

Memorandum to the Acting Director of the Commodities Division, United Nations Conference on Trade and Development

1. This is in reply to your memorandum of 4 June 1965, which concerned the question of the procedure by which those provisions of the 1958 Sugar Agreement which had by reason of the 1963 Sugar Protocol continued in force, as between the parties to the Protocol, until 31 December 1965, might, if necessary, be continued in operation beyond 31 December 1965. This, you point out, would become necessary if a new sugar agreement is not negotiated at the September Sugar Conference in time for the new agreement to enter into force by 31 December 1965.

2. The 1963 Protocol does not provide for the possibility that the new sugar agreement might enter into force only after 31 December 1965 and, accordingly, as you have pointed out, makes no provision for continuing the operation of the relevant provisions of the 1958 Agreement beyond 31 December 1965. Nor, it might also be noted, does the Protocol provide for amendments to the Protocol. Even should the Protocol have included an amending procedure, it would have seemed to us, in the absence of a clear indication to the contrary, that such a procedure was intended for modifications of the Protocol rather than for the extension of the duration of the Protocol.

3. We are, accordingly, in agreement with your view that a new protocol would be the appropriate procedure for continuing the operation of the relevant provisions of the 1958 Agreement, as between the parties to the new protocol, beyond 31 December 1965. We see no reason why such a new protocol should not be similar in form to the 1963 Protocol, although of course the provisions of the new Protocol would have to be consistent with the provisions of the resolution that would be adopted by the Conference in regard to the new Protocol.

13 July 1965

---

[12] Document E/CONF.48/2.

[13] United Nations, *Treaty Series*, vol. 385, p. 137.

12. Legality of the procedure followed in convening the United Nations Sugar Conference of 1965—Interpretation of Economic and Social Council resolution 296 (XI) of 2 August 1950 and of General Assembly resolution 1995 (XIX) of 30 December 1964

Memorandum to the Director of the Commodities Division, United Nations Conference on Trade and Development

1. The procedure followed in convening the present Sugar Conference differed in several respects from that of previous Sugar Conferences and from the provisions of Economic and Social Council resolution 296 (XI) of 2 August 1950. The purpose of this memorandum is to examine whether such deviations were legally permissible.

2. Under resolution 296 (XI):

(*i*) The list of States to be invited to the Conference was to be prepared by the Interim Co-ordinating Committee for International Community Arrangements (ICCICA) and was to include all Members of the United Nations, of the Interim Commission for the International Trade Organization (ICITO), of FAO and of the inter-governmental study group concerned; interested non-member States and specialized agencies could also be invited. In this instance, the list of States to be invited was prepared by the Secretary-General of the United Nations and, following the recommendation of the Committee on Commodities, was limited to the States members of UNCTAD;

(*ii*) Where a State invited so wishes, there may be separate representation for dependent territories in accordance with article 69 of the Havana Charter. In this instance, no provision was made in the rules of procedure for such separate representation;

(*iii*) The rules of procedure were to be prepared by ICCICA. In this instance they were prepared by the Secretary-General of UNCTAD.

Furthermore, differently from previous Sugar Conferences, ICITO/GATT has not been invited to participate.

3. Under paragraph 3 (*e*) of section II of General Assembly resolution 1995 (XIX) of 30 December 1964, UNCTAD was empowered "to initiate action, where appropriate, in co-operation with the competent organs of the United Nations for the negotiation and adoption of multilateral legal instruments in the field of trade, with due regard to the adequacy of existing organs of negotiation and without duplication of their activities". Furthermore, under paragraph 23 (*a*) the Committee on Commodities of the Trade and Development Board "will carry out the functions which are now performed by the Commission of International Commodity Trade and the Interim Co-ordinating Committee for International Commodity Arrangements. In this connexion, the Interim Co-ordinating Committee shall be maintained as an advisory body of the Board."

4. The authority given to UNCTAD to "initiate action... for the negotiation and adoption of multilateral legal instruments in the field of trade" implies that UNCTAD is empowered to convene Commodity Conferences. The functions previously performed by ICCICA in this connexion, including the preparation of the list of States to be invited and the rules of procedure, have been transferred to the Committee on Commodities.

5. While making these substantial changes in the procedure envisaged in the Economic and Social Council resolution, the General Assembly did not confirm the continuation in force of the provisions of the Council resolution not directly affected by these changes. Under the terms of reference approved by the Trade and Development Board, the Committee on Commodities was authorized "to make recommendations for the convening of international Commodity Conferences with the object of concluding international com-

modity arrangements". Again, no reference was made to the terms of the Council resolution. It may be inferred, therefore, that in discharging its responsibilities in connexion with Commodity Conferences, UNCTAD and its subsidiary organs are not necessarily bound by the provisions of Economic and Social Council resolution 296 (XI).

6. It is concluded that it was legally permissible to deviate, as indicated in paragraph 2 above, from the procedures followed in previous Sugar Conferences. In particular:

(*i*) The Committee on Commodities was within its authority in recommending that invitations to the Conference be limited to members of UNCTAD, and the Secretary-General of the United Nations properly issued the invitations accordingly;

(*ii*) The omission from the rules of procedure of any provision for separate representation for dependent territories was a justifiable interpretation of the Committee on Commodities' recommendation to invite only States members of UNCTAD;

(*iii*) In preparing the rules of procedure, the Secretary-General of UNCTAD was properly discharging his functions of servicing the Committee on Commodities, a subsidiary organ of the Board, in accordance with paragraph 26 of section II of General Assembly resolution 1995 (XIX).

As regards the failure to invite ICITO/GATT, this appears to be a discretionary matter because apart from the precedents at some other Commodity Conferences, there is no legal requirement to issue such an invitation.

20 September 1965

13. Question whether existing technical assistance and Special Fund agreements should be renegotiated as a result of the consolidation of the Special Fund and the Expanded Programme of Technical Assistance in a United Nations Development Programme

Memorandum to the Director of the Joint Administration Division, Technical Assistance Board/United Nations Special Fund

1. The opinion of this Office has been requested on the question whether existing agreements with governments concerning Special Fund and technical assistance activities should be renegotiated in consequence of the forthcoming consolidation of the Special Fund and the Expanded Programme of Technical Assistance in the United Nations Development Programme.

2. The draft resolution proposed for adoption by the General Assembly on this subject, as embodied in the annex to resolution 1020 (XXXVII) of the Economic and Social Council, provides that ".. the special characteristics and operations of the two programmes as well as two separate funds" would be maintained notwithstanding the merger of those programmes into the new Development Programme (Paragraph 1). The same resolution "reaffirms the principles, procedures and provisions" governing the two programmes not otherwise inconsistent with the resolution and expressly confirms their continuing applicability to relevant activities within the new programme (paragraph 2). In our opinion, the term "provisions" as thus used in this resolution is sufficiently broad to include the agreements in question. Moreover, a conclusion that those agreements would be unaffected at this stage of the merger of the two programmes would be completely consistent with and might even be deemed required by the spirit of the draft resolution and its legislative history. For these reasons, it is our view that the agreements in question need not be renegotiated at this time and that activities under the programmes involved could continue to take place on the basis of the existing agreements without any further formal approaches to governments on this point even

after the merger of the two programmes upon adoption by the General Assembly of the draft resolution in the annex to Economic and Social Council resolution 1020 (XXXVII).[14]

3. It might of course be convenient if a sentence could be included in that General Assembly resolution stating that those agreements would be deemed to continue in force. To our knowledge, however, no doubts have been raised as to the propriety of continuing to operate under the existing agreements. In addition to the fact that such a provision is not strictly necessary, a proposal originating from the Secretariat to insert such a provision in the resolution might cause practical and formal difficulties since the draft resolution in question has already been considered by the Economic and Social Council, its Co-ordination Committee as well as its *ad hoc* Committee on Co-ordination of Technical Assistance Activities.

15 June 1965

14. Compatibility of a proposal to award a human rights prize with the United Nations Charter

Memorandum to the Deputy Director of the Division of Human Rights

1. This is in reply to your memorandum of 12 July 1965 by which you requested our opinion on certain questions raised at the 5th meeting of the Working Party on the International Year for Human Rights, held on 4 June 1965.

2. A representative expressed the wish to have the views of the Secretariat, after consultation with the Office of Legal Affairs, as to the "extent the award of a human rights prize would be compatible with the purposes and principles of the United Nations" (E/CN.4/AC.19/SR.5, p. 5).

3. Our observations are limited to the legal aspects of the proposal contained in the report of the *Ad Hoc* Committee on the Human Rights Prize (E/CN.4/AC.19/L.1) which was adopted by the Working Party at its 5th meeting. They do not deal with certain other questions also discussed by the Working Party, *e.g.* the substantive, political or other advisability of creating the proposed award, or the practical difficulties which the implementation of the proposal, if accepted by the General Assembly, might entail.

4. Three questions appear to be relevant from the legal point of view:

(*i*) Was the proposal consistent with resolution 1961 (XVIII) of the General Assembly relating to the International Year for Human Rights, which the Assembly adopted in pursuance of the provisions of the Charter concerning the promotion and encouragement of the respect for human rights?

(*ii*) Is the United Nations empowered to award prizes to individuals?

(*iii*) Can the Organization award prizes in the field of human rights?

(*i*) As regards the first question, we can see no legal inconsistency between the proposal for establishing the award, resolution 1961 (XVIII) of the General Assembly and the underlying Charter provisions.

In resolution 1961 (XVIII), one finds *inter alia* the expression of the General Assembly's belief "that the cause of human rights will be well served by an increasing awareness of the extent of the progress made" in the effective realization of the human rights and fundamental freedoms proclaimed in the Universal Declaration of Human Rights; the General Assembly's conviction that an appropriate way of celebrating the 20th anniversary of the proclamation of the Declaration would be to devote the year 1968 to "intensified national and international efforts and undertakings in the field of human rights, and... to an international review of the

[14] See General Assembly resolution 2029 (XX) of 22 November 1965

achievements in this field"; and the request to the Commission on Human Rights, with the assistance of the Secretary-General, to prepare "a programme of measures and activities representing a lasting contribution to the cause of human rights, to be undertaken by the United Nations" as well as by Member States and by the specialized agencies.

The establishment of a prize "for outstanding achievements in the field of human rights" can reasonably be considered as one of possible measures and activities which the General Assembly might adopt in connexion with the celebration of the 20th anniversary of the proclamation of the Universal Declaration, within the more general framework of the Assembly's action as regards international co-operation prescribed by Articles 1 (3), 55 and 56 of the Charter for the promotion and encouragement of "respect for human rights and for fundamental freedoms for all...".

(*ii*) There seems to be little doubt that the United Nations can establish international awards for achievements in fields consistent with the purposes of the Organization under the Charter. Under Article 104 of the Charter and the Convention on the Privileges and Immunities of the United Nations, the Organization, in the exercise of its functions and the fulfilment of its purposes, may dispose of property in favour of individuals and it does so constantly.

"United Nations prizes" for the most outstanding scientific research work in the causes and control of cancerous diseases were instituted by the General Assembly in resolution 1398 (XIV). Another instance of United Nations awards is the medallion commemorating the International Co-operation Year and the 20th anniversary of the United Nations, created pursuant to a recommendation of the Committee for the International Co-operation Year (A/5836, para. 19) and presented this year to a number of personalities by the Secretary-General.

(*iii*) In the course of the discussions in the Working Party and other bodies which were concerned with the matter, mention was made by some representatives of certain special problems which may arise in the event it is decided to award United Nations prizes in the field of human rights and attention was drawn to obstacles which may exist in this connexion in the purposes and principles of the United Nations as expressed in the Charter. Reference was made in particular to the limits to United Nations' action contained in Article 2, paragraph 7, of the Charter under which "Nothing contained in the... Charter shall authorize the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any State...".

Independently of the question of the extent of the applicability of Article 2, paragraph 7, of the Charter to the international protection of human rights, to which reference was also made in the Working Party, it would be difficult to maintain on legal grounds that the institution of a prize for outstanding achievements in such fields as human rights is a matter essentially within the domestic jurisdiction of a State as regards its nationals. As is well known, a number of prizes are periodically awarded by public or private institutions within States to nationals of other States.

5. We would conclude therefore that the provisions of Article 2, paragraph 7, would not constitute an obstacle to the institution of a human rights prize by the United Nations, but that if such a prize is granted, those responsible for deciding on the recipients of awards should bear in mind the relevant provisions of the Charter in such a manner that the application of the decisions of the General Assembly in this respect should be fully consistent with the principles and purposes of the Charter and past decisions of the United Nations organs concerning human rights.

19 August 1965

15. LEGAL EFFECTS OF THE DEPOSIT OF AN INSTRUMENT OF ACCESSION SUBJECT TO RATIFICATION [15]

Note verbale to the Permanent Representative of a Member State

1. The Secretary-General of the United Nations presents his compliments to the Permanent Representative and has the honour to acknowledge the receipt of his note... transmitting for deposit the instrument of accession, subject to ratification, by the Government of... to the International Convention for the Suppression of Counterfeiting Currency and the Optional Protocol regarding the Suppression of Counterfeiting Currency,[16] both done at Geneva on 20 April 1929.

2. In this connexion, it will be noted that under the recognized rules of international law, accession, like ratification, is an act by which a State establishes on the international plane its consent to be bound definitively by a treaty. Therefore, an instrument of accession which is expressed to be subject to ratification does not constitute accession to the treaty and its deposit has no legal effect. When such an instrument is transmitted for deposit, the Secretary-General, pursuant to the established depositary practice, considers it simply as a notification of the Government's intention to become a party to the treaty concerned and does not inform the other States of its receipt. Accordingly, the instrument referred to in the first paragraph above has been considered as constituting such a notification.

3. When the necessary constitutional requirements are completed permitting the Government to accede formally to the above-mentioned Convention and Optional Protocol, and either notification to this effect is received from the authority normally required to execute an instrument of accession, or a new instrument of accession containing no reference to subsequent ratification is deposited, the Secretary-General will notify all interested States of the accession to the said Convention and Protocol.

7 June 1965

16. PROPOSED ACCESSION BY A MEMBER STATE TO THE CONVENTION ON THE PRIVILEGES AND IMMUNITIES OF THE UNITED NATIONS [17] AND TO THE CONVENTION ON THE PRIVILEGES AND IMMUNITIES OF THE SPECIALIZED AGENCIES [18] SUBJECT TO A RESERVATION DENYING FULL PRIVILEGES AND IMMUNITIES UNDER THESE CONVENTIONS TO UNITED NATIONS OFFICIALS WHO ARE NATIONALS OR RESIDENTS OF THAT STATE

Letter to the Permanent Representative of a Member State

1. ...We should like to refer to the proposed instrument of accession relating to the Convention on the Privileges and Immunities of the United Nations. This instrument contains a reservation to the effect that nationals and residents of your country shall be accorded such limited privileges and immunities as will enable them to carry out their work efficiently but shall not be accorded full privileges and immunities.

2. It has not been possible for us to determine from this wording exactly which privileges and immunities your Government would intend to accord, and which privileges and immunities it would intend to withhold, in respect of United Nations officials who are nationals and residents of your country. Moreover, while the terms are of a vague and general nature, the language would also appear to be more restrictive than that of Article 105 of the United Nations Charter. For this reason, the reservation might be considered as incompatible with the Charter.

---

[15] For a survey of the depositary functions of the Secretary-General, see *Summary of the practice of the Secretary-General as depositary of multilateral agreements* (ST/LEG/7).

[16] League of Nations, *Treaty Series*, vol. CXII, p. 371.

[17] United Nations, *Treaty Series*, vol. 1, p. 15.

[18] *Ibid.*, vol. 33, p. 261.

3. With respect to an instrument containing a reservation of this nature, the Secretary-General would be obliged to take action in two separate capacities, not merely as the depositary of the Convention under 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 State is concerned. In the latter capacity it might be necessary for the Secretary-General to bring a reservation of this character to the attention of the General Assembly before final action could be taken.

4. In the light of this situation you may wish to discuss with your Government whether it would like to reconsider the implications of this reservation before further steps are taken with respect to the deposit of the instrument. The following analysis may be of interest in this regard.

5. The reservation might have possible effects on articles V, VI and VII of the Convention. For the present we may note particularly the question of its application to section 18. Many of the privileges and immunities specified in section 18 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, except in the rarest circumstances, to require immunity from immigration restrictions in his own country, or privileges with respect to exchange facilities or repatriation facilities in time of international crisis; he cannot, by definition, require immunity from alien registration and it would be very exceptional for him to have reason to claim duty-free entry for his personal effects at the time of first taking up his post in the country. Thus, with respect to these privileges and immunities, the reservation would have little or no practical effect.

6. On the other hand, the situation is quite different with respect to his official acts and it is primarily in this regard that the reservation casts doubt on its compatibility with the Charter. Section 18 (*a*) of the Convention 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". The Organization has never, and in fact could not, agree to any derogation from this provision regardless of the nationality of the official. Such derogation would be contrary to Articles 100 and 105 of the Charter. It may be noted that the situation is similar with respect to experts under section 22 (*b*) of the Convention.

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*), should this have been intended by the present reservation. Section 18 (*b*) 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. By the same resolution, the General Assembly created 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 feel obliged to refund to the staff. It should accordingly be understood that if it were the intention of your country to reserve its right to tax its nationals on their United Nations salary, the consequence would be to place upon the United Nations the administrative burden of reimbursing the income tax on such salaries while at the same time increasing your country's annual contributions to the expenses of the Organization by the full amounts so reimbursed.

8. In the light of the above, it is hoped that your Government might, upon re-examination of the question, consider withdrawing the reservation.

9. The instrument of accession to the Convention on the Privileges and Immunities of the Specialized Agencies presents a similar problem inasmuch as it contains a reservation

identical to that made by your Government in its instrument of accession to the Convention on the Privileges and Immunities of the United Nations. However, in this case the Secretary-General acts solely in his capacity as the depositary of the Convention. In accordance with the established practice under this Convention, the Secretary-General, when he receives an instrument of accession accompanied by a reservation, communicates its text to all States parties to the Convention and to all other States which are entitled to become parties thereto, as well as to the executive heads of the specialized agencies. He refrains, however, from stating in his communication the date of entry into force of the Convention as between the acceding State and the specialized agencies to which that State undertakes to apply the Convention. It will be noted that the specialized agencies have never accepted any reservation to the said Convention and have in every instance requested the Secretary-General of the United Nations to intercede on their behalf with the government concerned with a view to reconsideration and withdrawal of the reservations. Upon withdrawal of the reservation, the Secretary-General notifies all interested States of this action and proceeds with the registration of the accession. Since the reservation made by your Government in its instrument of accession to the Convention on the Privileges and Immunities of the United Nations and that made in its instrument of accession to the Convention on the Privileges and Immunities of the Specialized Agencies both present the same questions and your Government might wish to consider them together, we take the liberty of also deferring action on the latter instrument until we hear further from you on the matter.

5 May 1965

17. REQUEST BY THE GOVERNMENT OF A MEMBER STATE THAT LOCALLY RECRUITED UNITED NATIONS EMPLOYEES BE GIVEN EMPLOYMENT CONTRACTS IN ACCORDANCE WITH A "FORM OF AGREEMENT" PRESCRIBED BY THE GOVERNMENT—INCOMPATIBILITY WITH THE CHARTER AND WITH THE STAFF REGULATIONS APPROVED BY THE GENERAL ASSEMBLY

Memorandum to the Administrative Division, United Nations Children's Fund

1. We refer to your memorandum of 25 August asking advice on the request by the Government of a Member State that all locally recruited United Nations employees be given employment contracts in accordance with a "form of agreement" prescribed by the Government. We note that the request is for this form of agreement to be adopted by "foreign missions".

2. It is our view that the adoption of such a form of employment contract to govern the conditions of employment of United Nations staff would run counter to Articles 100 and 101 of the Charter and to the Staff Regulations adopted by the General Assembly.

3. Locally recruited personnel no less than internationally recruited personnel are staff within Article 101, paragraph 1, of the Charter which provides that:

> "The staff shall be appointed by the Secretary-General under regulations established by the General Assembly."

4. Staff Regulation 4.1 indicates that each United Nations staff member should receive a letter of appointment stating that the appointment is subject to the Staff Regulations and Rules. This does not mean that local conditions are irrelevant to the terms of appointment of locally recruited General Service personnel. Local conditions of employment are, in accordance with Annex I (paragraph 7) of the Staff Regulations, taken into account when wage rates for locally recruited staff are established by the Secretary-General. The legal regime, however, including the nature and duration of the employment contract itself, the obligations and duties of the staff member, the authority of the Secretary-General, the appeals procedure, etc., must be that established pursuant to the Charter by the General Assembly and the Secretary-General. Each Member State has, pursuant to Article 100, paragraph 2

of the Charter, undertaken to respect the exclusively international character of the responsibilities of the Secretary-General and the staff.

5. We have had previous occasion to decline government proposals for adoption of a prescribed employment contract for locally recruited staff, and have explained, on the one hand, the mandatory application of the United Nations Staff Regulations and, on the other hand, the consideration given to local conditions in applying these regulations. No Member State has failed to accept the application of United Nations Regulations and Rules to local personnel, of whatever nationality, within its territory.

7 October 1965

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 Social Security (Minimum Standards) Convention, 1952 (No. 102)*, prepared at the request of the Government of France, 16 March 1965. *Official Bulletin*, vol. XLVIII, No. 4, October 1965, pp. 341-348. English, French, Spanish.

(*b*) *Memorandum concerning the Fee-Charging Employment Agencies Convention (Revised), 1949 (No. 96)*, prepared at the request of the Government of the Federal Republic of Germany, 25 November 1964. Document G.B. 165/13/1; 165th session of the Governing Body, Geneva, 27-28 May 1966.[1]

(*c*) *Memorandum concerning the Fee-Charging Employment Agencies Convention (Revised), 1949 (No. 96)*, prepared at the request of the Government of Sweden, 9 December 1965. Document G.B.165/13/1; 165th session of the Governing Body, Geneva, 27-28 May 1966.[1]

(*d*) *Memorandum concerning the Equality of Treatment (Social Security) Convention, 1962 (No. 118)*, prepared at the request of the Government of Canada, 22 December 1965. Document G.B.165/13/1; 165th session of the Governing Body, Geneva, 27-28 May 1966.[1]

2. *United Nations Educational, Scientific and Cultural Organization*

Organizational and procedural arrangements for the implementation of conventions and recommendations adopted by the General Conference of UNESCO

1. The purpose of the United Nations Educational, Scientific and Cultural Organization is, as laid down in its Constitution, "to contribute to peace and security by promoting collaboration among the nations through education, science and culture in order to further universal respect for justice, for the rule of law and for the human rights and fundamental freedoms which are affirmed for the people of the world, without distinction of race, sex, language or religion, by the Charter of the United Nations".

2. It is mainly by carrying out a programme involving very many forms of direct action designed to deal with the complex problems encountered in the development of education,

[1] These memoranda will be also published in the *Official Bulletin*, vol. XLIX, No. 4, October 1966.

science and culture, and by promoting international co-operation for that purpose that UNESCO seeks to fulfil its objectives.

3. But the pursuit of UNESCO's aims also implies the formulation of principles and norms for regulating the activities of Governments in fields which come within the organization's purview. Thus the Constitution of UNESCO empowered the General Conference of the organization to adopt recommendations and international conventions. The relevant provision of the Constitution is article IV, paragraph 4, which reads as follows:

> "The General Conference shall, in adopting proposals for submission to the Member States, distinguish between recommendations and international conventions submitted for their approval. In the former case a majority vote shall suffice; in the latter case a two-thirds majority shall be required."

4. The General Conference of UNESCO has accordingly adopted several conventions and recommendations relating to human rights and, in particular, to those specified in articles 19, 26 and 27 of the Universal Declaration. The adoption by the General Conference of a convention or recommendation imposes on the States members of UNESCO specfic legal obligations which have been defined in the Constitution. Moreover, the General Conference has adopted rules of procedure and decisions of various kinds to govern the implementation of conventions and recommendations.

Submission to the competent national authorities

5. Under article IV, paragraph 4, each State is obliged to "submit recommendations or conventions to its competent authorities within a period of one year from the close of the session of the General Conference". Moreover, each Member State must report periodically to the organization, in a manner to be determined by the General Conference, on the action taken upon the recommendations and conventions referred to in article IV, paragraph 4 (article VIII).

6. The Rules of Procedure concerning Recommendations to Member States and International Conventions, which were adopted in 1950, stipulate that initial special reports relating to any convention or recommendation adopted shall be transmitted not less than two months prior to the opening of the first ordinary session of the General Conference following that at which such recommendation or convention was adopted (article 16, paragraph 2).

7. At its tenth session (1958), the General Conference determined the substance of the initial reports. They have to include: (*a*) a statement indicating whether the convention or recommendation has been submitted to the competent national authorities; (*b*) the name of that authority; (*c*) a statement indicating whether such authorities have taken any steps to give effect to the convention or recommendation; (*d*) the nature of such steps.

8. The General Conference was, however, obliged to note at its next session that the reports received did not contain all the information requested and that, furthermore, the particulars given by certain Governments suggested that the reporting States had taken differing views of the purport of the constitutional provision whereby they are obliged to submit any convention or recommendation adopted by the General Conference to the competent national authorities.

The General Conference therefore instructed the Director-General to submit to it, at its next session, a study of the matter with particular reference to the preparatory work for article IV of the Constitution and to the practice of other specialized agencies.

9. At its twelfth session, held in 1962, the General Conference endorsed the unanimous opinion of its Legal Committee on the question, as follows:

"The competent authorities, in the meaning of article IV, paragraph 4, of the Constitution, are those empowered under the Constitution or the laws of each Member State, to enact the laws, issue the regulations or take any other measures necessary to give effect to conventions or recommendations."

Moreover, in its comments on the reports received, the General Conference made the following observation:

"The General Conference also feels bound to draw attention once again to the distinction to be drawn between the obligation to submit an instrument to the competent authorities, on the one hand, and the ratification of a convention or the acceptance of a recommendation, on the other. The submission to the competent authorities does not imply that conventions should necessarily be ratified or that recommendations should be accepted in their entirety. On the other hand, it is incumbent on Member States to submit all recommendations and conventions without exception to the competent authorities, even if measures of ratification or acceptance are not contemplated in a particular case."

Submission and examination of the reports of Member States

10. The 1950 rules of procedure provide that, in addition to the initial special reports which are the subject of the developments described above, the General Conference may further request Member States to submit, by prescribed dates, additional reports giving such further information as may be necessary.

11. The obligation to report periodically, in a manner determined by the General Conference, is, as was indicated above, constitutional. It covers both recommendations and conventions and applies to all Member States without making any distinction, in the case of a convention, concerning whether or not they have ratified it.

12. Furthermore, several UNESCO conventions provide that States parties thereto should submit periodical reports on their application and implementation. Thus, the Convention concerning the International Exchange of Publications and the Convention concerning the Exchange of Official Publications and Government Documents between States contain a provision that Contracting States should send to the organization annual reports on the working of the Conventions and copies of bilateral agreements entered into for the purpose of supplementing the Conventions. More important, in all probability, and more explicit, is the following provision contained in the Convention against Discrimination in Education:

"The States Parties to this Convention shall in their periodic reports submitted to the General Conference of the ... Organization on dates and in a manner to be determined by it, give information on the legislative and administrative provisions which they have adopted and other action which they have taken for the application of this Convention, including that taken for the formulation and development of the national policy defined in Article 4 as well as the results achieved and the obstacles encountered in the application of that policy."

A similar provision appears in the Recommendation against Discrimination in Education.

13. According to the 1950 rules of procedure, the General Conference, having considered the reports of member States, has to submit its observations in one or more general reports to be circulated to Member States, to the National Commissions and to all other authorities designated by the General Conference. Thus, the observations are certain to receive wide publicity.

14. So far, the General Conference has only considered the initial special reports dealing with submission to the competent national authorities. However, at its next session in October 1966, the UNESCO General Conference will be asked to consider additional reports dealing with the actual implementation of a convention and a recommendation. As

a result of the decisions adopted by the General Conference at its thirteenth session and by the Executive Board at its seventieth session, the States members of UNESCO have been requested to submit a report to the organization on the implementation of the Convention or the Recommendation against Discrimination in Education. A detailed questionnaire with seven main headings enumerated the questions to which States were required to reply.

15. The reports from States will be considered in September 1966 by a twelve-member special committee of the Executive Board and transmitted, together with the committee's analysis and the Board's comments to the General Conference, which will then formulate its observations.

Conciliation and good offices procedure

16. Unlike the International Labour Organisation, UNESCO has no constitutional or statutory provision for appeals or for reviewing complaints concerning the implementation of its conventions. Consequently, no general procedure has been established for that purpose.

17. However, at its 1962 session, the General Conference adopted a Protocol instituting a Conciliation and Good Offices Commission to be responsible for seeking the settlement of any disputes which may arise between States parties to the Convention against Discrimination in Education. The Protocol, which has already been ratified by Denmark, the United Kingdom, France, the Philippines and Madagascar, has not yet entered into force.

18. The Protocol is intended to facilitate the settlement of disputes concerning the application or interpretation of the Convention against Discrimination in Education, adopted by the General Conference two years earlier, and the Conciliation and Good Offices Commission it establishes should enable States to reach an amicable settlement of most of their disputes so that appeals to the International Court of Justice would become, so to speak, accessory.

19. The UNESCO General Conference has been guided in this respect by various precedents, especially that of the European Commission of Human Rights established by the European Convention for the Protection of Human Rights and Fundamental Freedoms, the Fact-Finding and Conciliation Commission on Freedom of Association and the Human Rights Committee provided for in the draft Covenant on Civil and Political Rights which is before the United Nations General Assembly for approval.

20. The Commission established by the UNESCO Protocol is a permanent body. It consists of eleven members to be elected by the General Conference from among the candidates put forward by the States parties, but serving in their personal capacity.

21. The draft protocol prepared by the Director-General contained a proposal to the effect that two out of the eleven seats should be filled by candidates nominated by non-governmental organizations in consultative status and recognized by UNESCO's Executive Board as representing either the teaching profession or the interests of pupils and students at the various levels of education.

The proposal was not accepted.

22. The members of the Commission must be nationals of States parties to the Protocol, but the Commission may not include more than one national from any State. The General Conference will endeavour to include persons of recognized competence in the field of education and persons having judicial or legal experience, with due regard to equitable geographical representation of the different forms of civilization as well as the principal legal systems. Members are to be elected for six years and will be eligible for re-election if renominated.

23. In addition to the eleven members of the Commission, *ad hoc* members may be chosen if the Commission does not include a member of the nationality of one of the States parties to a dispute. The secretariat is to be provided by the Director-General of UNESCO.

24. For the time being, recourse to the Commission is limited to States parties to the Protocol. If one of those States considers that another of those States is not giving effect to the provisions of the Convention, it may, by written communication, bring the matter to the attention of that State. The receiving State has three months in which to reply. If the matter is not adjusted to the satisfaction of both States within six months, either State has the right to refer it to the Commission.

25. Subsequently, from the beginning of the sixth year after the entry into force of the Protocol, the Commission may also be made responsible for seeking the settlement of any dispute arising between States which are parties to the Convention but are not parties to the Protocol if the said States agree. Notwithstanding this possible broadening of the Commission's field of action, the fact is that its competence is limited (*a*) to disputes arising between States and (*b*) to disputes concerning the application or interpretation of the Convention.

26. In any matter referred to it, the Commission may call upon the States parties to the dispute to provide it with all pertinent information. However, it cannot deal with a matter until all available domestic remedies have been exhausted, within the meaning attributed to that expression in international law.

27. The function of the Commission, after it has obtained the information which it deems necessary, is essentially to ascertain the facts and make available its good offices to the States concerned with a view to an amicable solution of the matter "on the basis of respect for the Convention". In every case, the Commission has to draw up a report. If a solution has been reached, the report has to be brief and confine itself to a statement of the facts and of the solution agreed upon. If, on the other hand, a solution to the dispute is not reached, the report has to indicate, in addition to stating the facts, the recommendations which it made. Separate opinions are to be permitted.

28. The Commission may also recommend to the Executive Board or to the General Conference, as appropriate, that the International Court of Justice should be requested to give an advisory opinion on any legal question connected with a matter laid before the Commission. Moreover, it is specifically provided that the establishment of the Commission must not affect the right of States to have recourse to other procedures for settling disputes between them, including that of referring their disputes by mutual consent to the Permanent Court of Arbitration at the Hague.

16 December 1965

Part Three

JUDICIAL DECISIONS ON QUESTIONS RELATING TO THE UNITED NATIONS AND RELATED INTER-GOVERNMENTAL ORGANIZATIONS

Chapter VII

DECISIONS OF INTERNATIONAL TRIBUNALS

[No decisions on questions relating to the United Nations and related inter-governmental organizations were rendered by international tribunals in 1965.]

Chapter VIII

DECISIONS OF NATIONAL TRIBUNALS

1. Austria

COMMERCIAL COURT OF VIENNA

R. PETER PANUSCHKA v. PETER SCHAUFLER: JUDGEMENT OF 29 NOVEMBER 1965[1]

Service of legal process within the headquarters seat of the International Atomic Energy Agency —Inviolability of the headquarters seat—Immunity of the IAEA and its property from legal process—Article III, section 9 (a) and article VIII, section 19 of the Agreement regarding the Headquarters of the IAEA[2]

Plaintiff, proprietor of a loan office, applied for leave to effect execution by garnishment and assignment of the defendant's salary from the International Atomic Energy Agency in satisfaction of his executable claim for 2,450 schillings, plus 6 per cent interest from 24 August 1965, 1/3 per cent commission and 233.30 schillings in costs, in accordance with an order of the Commercial Court of Vienna of 5 October 1965 (12 Cg 802/65) for payment of a promissory note.

The Court dismissed the application and observed that under article III, section 9 (*a*), of the Headquarters Agreement, the service of legal process may not take place within the headquarters seat of the IAEA except with the express consent of, and under conditions approved by, the Director General. A garnishee order would constitute the service of legal process, since it would take effect upon service, and service would therefore have to be effected within the headquarters seat of the IAEA. Article VIII, section 19, of the Headquarters Agreement further provided that the property of the IAEA should enjoy immunity from every form of legal process except in so far as in any particular case the IAEA should have expressly waived its immunity. It was, however, understood that no waiver of immunity should extend to any measure of execution. It followed that the IAEA might not be prohibited by the Court from disposing of its property in a given manner; it followed also that the IAEA enjoyed immunity under international law, which it might waive but which, in the case of a measure of execution, it would not waive. Although this last provision related first and foremost to measures of execution against the IAEA, its wording also covered measures of execution which were directed primarily against other persons but in which the IAEA was in some way involved. In view of the clear wording of the law, there was no occasion to seek a declaration by the Federal Ministry of Justice under the terms of the third paragraph of article IX of the Introductory Act to the Civil Jurisdiction Act (*Einführungsgesetz zur Jurisdiktionsnorm*), since the immunity of the IAEA was not in doubt. It had also been unnecessary to establish whether the IAEA voluntarily submitted to the jurisdiction of the Austrian courts in the present case, since it was already established, under the terms of the Headquarters Agreement, that the question of its so submitting did not arise in the case of measures of execution.

---

[1] Twelfth Division. 12 Cg 802/65-2.

[2] United Nations, *Treaty Series*, vol. 339, p. 110.

2. United States of America

U.S. DISTRICT COURT, SOUTHERN DISTRICT OF NEW YORK

MENON v. ESPERDY: JUDGEMENT OF 15 NOVEMBER 1965[3]

The right to claim "G-4" status for a member of the immediate family of a United Nations official belongs to the United Nations, not to the member of the family—United States Code, title 8, para. 1101 (a) (15) (G) (IV)

Relator, Mrs. Menon, petitioned for a writ of *habeas corpus* to challenge the validity of an exclusion order and subsequent notice directing her deportation from the United States. She was the legally separated wife of a United Nations staff member who, after a short period of duty at Headquarters in New York, had been permanently assigned to overseas missions. She had come on a visitor's visa to New York, on her own initiative, and her husband had not requested for her, through the United Nations, the "G-4" visa provided for members of the immediate families of officers or employees of international organizations under title 8 of the United States Code (Aliens and Nationality). Before the Court she contended, *inter alia*, that she was entitled to "G-4" status as of right.

The Court held that the exclusion order was valid and dismissed the writ of *habeas corpus*. As to relator's claim to "G-4" status, the Court said:

> "The Court finds lacking in merit relator's argument that she is entitled as of right to "G-4" status since she is the spouse of a United Nations employee... Such statutory grant is a matter of legislative grace involving the foreign relations of the United States with certain international organizations... We need not decide here what reasons compelled officials at the United Nations to reach their decision. No basis appears, moreover, to inquire. Suffice it to say, that organization clearly rejected Mrs. Menon's claim; they rejected it in 1962 when her husband was last in the United States and again in 1964."

[3] 248 F. Supp. 261 (1965).

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 Established under General Assembly Resolution 1181 (XII) (Question of Defining Aggression)
   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 Technical Assistance to Promote the Teaching, Study, Dissemination and Wider Appreciation of International Law
   6. Special Committee on Peace-keeping Operations
   7. International Law Commission
   8. United Nations Congress on the Prevention of Crime and the Treatment of Offenders (Stockholm, 1965)

II. Security Council and Subsidiary Organs
   1. Security Council
   2. Expert Committee Established in Pursuance of Security Council Resolution S/5773

III. Economic and Social Council and Subsidiary Organs
   1. Economic and Social Council and sessional Committees
   2. Commission on Human Rights
   3. Commission on the Status of Women
   4. Commission on Narcotic Drugs
   5. Economic Commission for Europe
   6. Economic Commission for Africa
   7. United Nations Conference on Trade and Development (Geneva, 1964)

IV. United Nations Conference on Trade and Development

---

[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.

V. SECRETARIAT
   1. Bureau of Technical Assistance Operations
   2. Bureau of Social Affairs

VI. INTERNATIONAL COURT OF JUSTICE

I. GENERAL ASSEMBLY AND SUBSIDIARY ORGANS

1. PLENARY GENERAL ASSEMBLY AND MAIN COMMITTEES

(A) *Documents relating to agenda items of legal interest* (twentieth session)

(1) *Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples: reports 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 documents: Reports 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/5800/Rev.1 and A/6000/Rev.1): see G.A. (XIX), Annex No. 8 (Part I), and G.A. (XX), Annexes, addendum to a.i. 23.—Report of the Secretary-General on Basutoland, Bechuanaland and Swaziland (A/5958): see G.A. (XX), Annexes, addendum to a.i. 23.

(*b*) Consideration by the Fourth Committee of the chapters of the reports relating to specific territories:

(*i*) *draft resolutions* (A/C.4/L.794/Rev.1, L.795 and Add.1-3, L. 796, L.797 and L.804 [on Southern Rhodesia], L.798 and Add.1-2 [on Aden], L.801 and Add.1-2 [on Basutoland, Bechuanaland and Swaziland], L.802, L.806/Rev.1, L.806/Rev.1/Add.1, L. 807 and Add.1-3, L.808 and Add.1, L. 809/Rev.1, L.809/Rev.1/Add.1-2, L.810 and Corr.1 and Add.1-2, L.814/Rev.1, L.814/Rev.1/Add.1, L.817 and Add.1-3 [on territories not considered separately], and L.823 and Corr.1 [on Territories under Portuguese administration]) and *reports* of the Fourth Committee (A/6041 and Add.1-2 [on Southern Rhodesia], A/6089 [on Aden], A/6106 [on Basutoland, Bechuanaland and Swaziland], A/6160 [on territories not considered separately], and A/6209 [on Territories under Portuguese administration]): see G.A. (XX), Annexes, a.i. 23.

(*ii*) *debates:* G.A. (XX), 4th Committee, 1518th to 1563rd, 1566th, 1567th, 1570th, 1574th, 1576th to 1581st, 1583rd to 1587th, 1589th to 1592nd and 1594th mtgs.

(*c*) Consideration in plenary:

(*i*) *draft resolutions* (A/L.476 and Add.1, L.476/Rev.1 and Corr.1 [English only], L.476/Rev.1/Add.1, L.477): see G.A. (XX), Annexes, a.i. 23.

(*ii*) *debates:* G.A. (XX), Plen., 1357th, 1367th, 1368th, 1375th, 1385th to 1390th, 1398th, 1400th, 1405th, 1407th and 1408th mtgs.

(*iii*) *resolutions adopted:* General Assembly resolutions 2012 (XX) of 12 October 1965, 2022 (XX) of 5 November 1965 and 2024 (XX) of 11 November 1965 (on Southern Rhodesia), 2023 (XX) of 5 November 1965 (on Aden), 2063 (XX) of 16 December 1965 (on Basutoland, Bechuanaland and Swaziland), 2065 (XX) of 16 December 1965 (on the Falkland Islands [Malvinas]), 2066 (XX) of 16 December 1965 (on Mauritius), 2067 (XX) of 16 December 1965 (on Equatorial Guinea [Fernando Póo and Río Muni]), 2068 (XX) of 16 December 1965 (on Fiji), 2069 (XX) of 16 December 1965 (on American Samoa, Antigua, Bahamas, Barbados, Bermuda, British Virgin Islands, Cayman Islands, Cocos [Keeling] Islands, Dominica, Gilbert and Ellice Islands, Grenada, Guam, Montserrat, New Hebrides, Niue, Papua, Pitcairn, St. Helena, St. Kitts-Nevis-Anguilla, St. Lucia, St. Vincent, Seychelles, Solomon Islands, Tokelau

Islands, Turks and Caicos Islands and the United States Virgin Islands), 2070 (XX) of 16 December 1965 (on Gibraltar), 2071 (XX) of 16 December 1965 (on British Guiana), 2072 (XX) of 16 December 1965 (on Ifni and Spanish Sahara), 2107 (XX) of 21 December 1965 (on Territories under Portuguese administration), and 2105 (XX) of 20 December 1965 (on the item as a whole). See also decisions taken by the General Assembly at its 1398th plenary meeting, on 16 December 1965.

(2) *Report of the Committee on arrangements for a conference for the purpose of reviewing the Charter* (agenda item 26)

(*a*) Basic document: Report of the Committee on arrangements for a conference for the purpose of reviewing the Charter (A/5987): see G.A. (XX), Annexes, a.i. 26.

(*b*) Consideration in plenary:

(*i*) *debate:* G.A. (XX), Plen., 1407th mtg.

(*ii*) *resolution adopted:* General Assembly resolution 2114 (XX) of 21 December 1965.

(3) *Question of general and complete disarmament: reports of the Conference of the Eighteen-Nation Committee on Disarmament* (agenda item 28)

(*a*) Basic documents: Reports of the Conference of the Eighteen-Nation Committee on Disarmament (A/5731-DC/209 and A/5986-DC/227).

(*b*) Consideration by the First Committee:

(*i*) *draft resolutions* (A/C.1/L.347 and L.348/Rev.1-3) and *report* of the First Committee (A/6129): see G.A. (XX), Annexes, a.i. 28.

(*ii*) *debates:* G.A. (XX), 1st Committee, 1392nd to 1394th mtgs.

(*c*) Consideration in plenary:

(*i*) *debate:* G.A. (XX), Plen., 1388th mtg.

(*ii*) *resolution adopted:* General Assembly resolution 2031 (XX) of 3 December 1965.

(4) *Urgent need for suspension of nuclear and thermonuclear tests: reports of the Conference of the Eighteen-Nation Committee on Disarmament* (agenda item 30)

(*a*) Basic documents: Reports of the Conference of the Eighteen-Nation Committee on Disarmament (A/5731-DC/209 and A/5986-DC/227).

(*b*) Consideration by the First Committee:

(*i*) *draft resolutions* (A/C.1/L.345 and Add.1, and L.345/Rev.1) and *report* of the First Committee (A/6124): see G.A. (XX), Annexes, a.i. 30.

(*ii*) *debates:* G.A. (XX), 1st. Committee, 1382nd to 1387th mtgs.

(*c*) Consideration in plenary:

(*i*) *debate:* G.A. (XX), Plen., 1388th mtg.

(*ii*) *resolution adopted:* General Assembly resolution 2032 (XX)[3] of 3 December 1965.

(5) *International co-operation in the peaceful uses of outer space: reports of the Committee on the Peaceful Uses of Outer Space* (agenda item 31)[4]

(*a*) Basic document: Report of the Committee on the Peaceful Uses of Outer Space (A/6042): see G.A. (XX), Annexes, a.i. 31.

(*b*) Consideration by the First Committee:

(*i*) *draft resolutions* (A/C.1/L.363/Rev.1, and L.365 and Rev.1) and *report* of the First Committee (A/6212): see G.A. (XX), Annexes, a.i. 31.

[3] Text reproduced in this *Yearbook*, p. 61.

[4] See also section 4 below.

(*ii*) *debates:* G.A. (XX), 1st Committee, 1421st and 1422nd mtgs.

(*c*) Consideration in plenary:

(*i*) *debate:* G.A. (XX), Plen., 1408th mtg.

(*ii*) *resolution adopted:* General Assembly resolution 2130 (XX) of 21 December 1965.

(6) *Report of the United Nations Conference on Trade and Development* (agenda item 37)[5]

(*a*) Basic document: Note by the Secretary-General (A/6121): see G.A. (XX), Annexes, a.i. 37.

(*b*) Consideration by the Second Committee:

(*i*) *draft resolution* (A/C.2/L.833 and Add.1-3 and L.833/Rev.1 [on the United Nations Conference on Trade and Development], L.836 and Rev.1 [on transit trade of land-locked countries]) and *report* of the Second Committee (A/6189): see G.A. (XX), Annexes, a.i. 37.

(*ii*) *debates:* G.A. (XX), 2nd Committee, 1001st, 1002nd, 1006th to 1008th, 1012th and 1013th mtgs.

(*c*) Consideration in plenary:

(*i*) *debate:* G.A. (XX), Plen., 1404th mtg.

(*ii*) *resolutions adopted:* General Assembly resolutions 2085 (XX) (on the United Nations Conference on Trade and Development) and 2086 (XX)[6] (on transit trade of land-locked countries), of 20 December 1965.

(7) *The role of patents in the transfer of technology to developing countries: report of the Secretary-General* (agenda item 42)[7]

(*a*) Basic documents: Notes by the Secretary-General (A/5743 and A/6029): see G.A. (XX), Annexes, a.i. 42.—Report of the Secretary-General (E/3861/Rev.1—Sales No.: 65.II.B.1).

(*b*) Consideration by the Second Committee:

(*i*) *draft resolutions* (A/C.2/L.824 and Add.1, and L.824/Rev.1) and *report* of the Second Committee (A/6193): see G.A. (XX), Annexes, a.i. 42.

(*ii*) *debates:* G.A. (XX), 2nd Committee, 999th, 1000th and 1020th mtgs.

(*c*) Consideration in plenary:

(*i*) *debate* G.A. (XX), Plen., 1404th mtg.

(*ii*) *resolution adopted:* General Assembly resolution 2091 (XX) of 20 December 1965.

(8) *Permanent sovereignty over natural resources: report of the Secretary-General* (agenda item 45)

(*a*) Basic documents: Note by the Secretary-General (A/6018): see G.A. (XX), Annexes, a.i. 45.—Report of the Secretary-General (E/3840).

(*b*) Consideration by the Second Committee:

(*i*) *draft resolutions* (A/C.2/L.806 and Add.1, L.806/Rev.1, L.828 and Add.1, L.857, L.859) and *report* of the Second Committee (A/6196): see G.A. (XX), Annexes, a.i. 45.

(*ii*) *debates:* G.A. (XX), 2nd Committee, 1010th, 1015th and 1017th to 1019th mtgs.

(*c*) Consideration in plenary:

(*i*) *debate:* G.A. (XX), Plen., 1404th mtg.

(*ii*) see *decision* taken by General Assembly at its 1404th plenary meeting, on 20 December 1965.

---

[5] See also sections III 7 and IV below.

[6] Text reproduced in this *Yearbook*, p. 62.

[7] See also section III 1 (B) (2) below.

(9) *Measures to implement the United Nations Declaration on the Elimination of All Forms of Racial Discrimination* (agenda item 57)[8]

(*a*) Basic document: Note by the Secretary-General (A/5947) (paragraph 4 contains draft resolution submitted by the Economic and Social Council): see G.A. (XX), Annexes, a.i. 57.

(*b*) Consideration by the Third Committee:

(*i*) *draft resolutions* (A/C.3/L.1193, L.1194, L.1195, L.1196, L.1197) and *report* of the Third Committee (A/6046): see G.A. (XX), Annexes, a.i. 57.

(*ii*) *debates:* G.A. (XX), 3rd Committee, 1291st to 1293rd mtgs.

(*c*) Consideration in plenary:

(*i*) *debate:* G.A. (XX), Plen., 1366th mtg.

(*ii*) *resolution adopted:* General Assembly resolution 2017 (XX) of 1 November 1965.

(10) *Draft International Convention on the Elimination of All Forms of Racial Discrimination* (agenda item 58)

(*a*) Basic document: Note by the Secretary-General (A/5921) (annex contains text of draft convention adopted by Commission on Human Rights): see G.A. (XX), Annexes, a.i. 58.

(*b*) Consideration by the Third Committee:

(*i*) *draft resolutions* (A/C.3/L.1208, L.1209, L.1210, L.1211, L.1212, L.1216, L.1217, L.1218, L.1219, L.1220, L.1221, L.1222, L.1223, L.1224, L.1225, L.1226 and Corr.1, L.1230, L.1231 and Corr.1 [English only], L.1236, L.1238, L.1242, L.1243, L.1244, L.1245, L.1250, L.1253, L.1266, L.1268, L.1270, L.1271, L.1272, L.1273, L.1274 and Rev.1, L.1289, L.1290, L.1291 and Add.1, L.1293, L.1294, L.1295, L.1296, L.1297, L.1298, L.1299, L.1301, L.1302, L.1303, L.1304, L.1306, L.1307 and Rev.1-3, L.1308 and Rev.1, L.1313, L.1314, L.1315 and Rev.1, L.1316, L.1317, L.1319, L.1329, L.1330), *suggestions* for final clauses submitted by the Officers of the Committee (A/C.3/L.1237 and Corr.1 [Spanish only]) and *report* of the Third Committee (A/6181): see G.A. (XX), Annexes, a.i. 58.

(*ii*) *debates:* G.A. (XX), 3rd Committee, 1299th to 1302nd, 1304th to 1316th, 1318th, 1344th to 1358th, 1361st to 1368th, 1373rd and 1374th mtgs.

(*c*) Consideration in plenary:

(*i*) *draft resolutions* (A/L.479 and L.480): see G.A. (XX), Annexes, a.i. 58.

(*ii*) *debates:* G.A. (XX), Plen., 1406th and 1408th mtgs.

(*iii*) *resolution adopted:* General Assembly resolution 2106 (XX)[9] of 21 December 1965 (contains text of International Convention on the Elimination of All Forms of Racial Discrimination).

(11) *Draft Recommendation on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages* (agenda item 59)

(*a*) Basic document: Memorandum by the Secretary-General (A/5922): see G.A. (XX), Annexes, a.i. 59.

(*b*) Consideration by the Third Committee:

(*i*) *draft resolutions* (A/C.3/L.1198, L.1199, L.1200, L.1202) and *report* of the Third Committee (A/6066/Rev.1): see G.A. (XX), Annexes, a.i. 59.

(*ii*) *debates:* G.A. (XX), 3rd Committee, 1294th and 1295th mtgs.

(*c*) Consideration in plenary:

(*i*) *debate:* G.A. (XX), Plen., 1366th mtg.

[8] See also sections (B) (4) and III 1 (A) (3) below.

[9] Text reproduced in this *Yearbook*, p. 63.

(*ii*) *resolution adopted:* General Assembly resolution 2018 (XX)[10] of 1 November 1965 ("Recommendation on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages").

(12) *Elimination of all forms of religious intolerance: (a) Draft Declaration on the Elimination of All Forms of Religious Intolerance; (b) Draft International Convention on the Elimination of All Forms of Religious Intolerance* (agenda item 62)[11]

(*a*) Basic documents: Notes by the Secretary-General (A/5925 and A/5939): see G.A. (XX), Annexes, a.i. 62.

(*b*) Consideration by the Third Committee:

(*i*) *draft resolutions* (A/C.3/L.1215, L.1227, L.1229) and *report* of the Third Committee (A/6069): see G.A. (XX), Annexes, a.i. 62.

(*ii*) *debates:* G.A. (XX), 3rd Committee, 1299th and 1302nd to 1304th mtgs.

(*c*) Consideration in plenary:

(*i*) *debate:* G.A. (XX), Plen., 1366th mtg.

(*ii*) *resolution adopted:* General Assembly resolution 2020 (XX) of 1 November 1965.

(13) *Draft Declaration on the Right of Asylum* (agenda item 63)

(*a*) Basic documents: Notes by the Secretary-General (A/5926 and A/C.6/L.564): see G.A. (XX), Annexes, a.i. 63.

(*b*) Consideration by the Sixth Committee:

(*i*) *report* of the Working Group (A/C.6/L.581) and *report* of the Sixth Committee (A/6163): see G.A. (XX), Annexes, a.i. 63.

(*ii*) *debate:* G.A. (XX), 6th Committee, 895th mtg.

(*c*) Consideration in plenary:

(*i*) *debate:* G.A. (XX), Plen., 1404th mtg.

(*ii*) *resolution adopted:* General Assembly resolution 2100 (XX) of 20 December 1965.

(14) *Freedom of information: (a) Draft Convention on Freedom of Information; (b) Draft Declaration on Freedom of Information* (agenda item 64)[12]

(*a*) Basic documents: Notes by the Secretary-General (A/5927 and A/5928): see G.A. (XX), Annexes, a.i. 64.

(*b*) Consideration by the Third Committee:

(*i*) *draft resolution* (A/C.3/L.1326) and *report* of the Third Committee (A/6164): see G.A. (XX), Annexes, a.i. 64.

(*ii*) *debate:* G.A. (XX), 3rd Committee, 1372nd mtg.

(*c*) Consideration in plenary:

(*i*) *debate:* G.A. (XX), Plen., 1397th mtg.

(*ii*) *resolution adopted:* General Assembly resolution 2061 (XX) of 16 December 1965.

(15) *Draft International Covenants on Human Rights* (agenda item 65)

(*a*) Basic documents: Note by the Secretary-General (A/5929) (annex contains text of articles adopted by the Third Committee at the tenth to eighteenth sessions of the General Assembly) and Observations from Governments (A/5702 and Add.1): see G.A. (XX), Annexes, a.i. 65.—Explanatory paper on measures of implementation prepared by the Secretary-General and observations from governments (A/5411 and Add. 1-2): see G.A. (XVIII), Annexes, a.i. 48.

---

[10] Text reproduced in this *Yearbook*, p. 72.

[11] See also sections III 1 (B) (1) and III 2 (A) (1) below.

[12] See also section III 2 (B) (2) below.

(*b*) Consideration by the Third Committee:

(*i*) *draft resolutions* (A/C.3/L.1246, L.1247, L.1248, L.1256, L.1257, L.1259, L.1260, L.1261, L.1267, L.1321/Rev.1) and *report* of the Third Committee (A/6173): see G.A. (XX), Annexes, a.i. 65.

(*ii*) *debates:* G.A. (XX), 3rd Committee, 1370th and 1374th mtgs.

(*c*) Consideration in plenary:

(*i*) *debate:* G.A. (XX), Plen., 1404th mtg.

(*ii*) *resolution adopted:* General Assembly resolution 2080 (XX) of 20 December 1965.

(16) *Draft Declaration on the Promotion among Youth of the Ideals of Peace, Mutual Respect and Understanding between Peoples* (agenda item 66)

(*a*) Basic documents: Reports of the Secretary-General (A/5789 and Add.1, and A/5930): see G.A. (XX), Annexes, a.i. 66.—Draft Declaration (A/5669, para. 5): see G.A. (XVIII), Annexes, a.i. 47.

(*b*) Consideration by the Third Committee:

(*i*) *draft resolutions* (A/C.3/L.1232, L.1233, L.1234, L.1235, L.1252, L.1254, L.1258 and Corr.1, L.1263 and Corr. 1, L.1264, L.1265, L.1269) and *report* of the Third Committee (A/6120): see G.A. (XX), Annexes, a.i. 66.

(*ii*) *debates:* G.A. (XX), 3rd Committee, 1317th to 1325th mtgs.

(*c*) Consideration in plenary:

(*i*) *draft resolution* (A/L.472): see G.A. (XX), Annexes, a.i. 66.

(*ii*) *debate:* G.A. (XX), Plen., 1390th mtg.

(*iii*) *resolution adopted:* General Assembly resolution 2037 (XX) of 7 December 1965 ("Declaration on the Promotion among Youth of the Ideals of Peace, Mutual Respect and Understanding between Peoples").

(17) *International Year for Human Rights* (agenda item 67)[13]

(*a*) Basic document: Note by the Secretary-General (A/5945) (annexes contain draft resolutions submitted by the Economic and Social Council): see G.A. (XX), Annexes, a.i. 67.

(*b*) Consideration by the Third Committee:

(*i*) *draft resolutions* (A/C.3/L.1300, L.1318 and Rev.1-2, L.1322, L.1323, L.1324, L.1325) and *report* of the Third Committee (A/6184): see G.A. (XX), Annexes, a.i. 67.

(*ii*) *debates:* G.A. (XX), 3rd Committee, 1369th to 1371st mtgs.

(*c*) Consideration in plenary:

(*i*) *debate:* G.A. (XX), Plen., 1404th and 1408th mtgs.

(*ii*) *resolution adopted:* General Assembly resolution 2081 (XX) of 20 December 1965.

(18) *Question of South West Africa: reports 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 69)

(*a*) Basic documents: Reports 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/5800/Rev.1, A/6000/Rev.1 and A/5840): see G.A. (XIX), Annex No. 8 (Part I); G.A. (XX), Annexes, addendum to a.i. 23; and G.A. (XIX), Annex No. 15.—Notes by the Secretary-General and replies from Governments (A/5690 and Add. 1-3, and A/6035 and Add. 1-4): see G.A. (XIX), Annex No. 15, and G.A. (XX), Annexes, a.i. 69 and 70.—Report of the Secretary-General (A/5781): see G.A. (XIX), Annex No. 15.

[13] See also sections III 2 (A) (3) and III 2 (B) (4) below.

(*b*) Consideration by the Fourth Committee:

(*i*) *draft resolutions* (A/C.4/L.812/Rev.1 and Add.1-3 [on the item as a whole], and A/6000/Rev.1 [on petitions concerning South West Africa]) and *report* of the Fourth Committee (A/6161): see G.A. (XX), Annexes, a.i. 69 and 70.

(*ii*) *debates:* G.A. (XX), 4th Committee, 1564th to 1571st, 1576th, 1581st, 1582nd and 1586th mtgs.

(*c*) Consideration in plenary:

(*i*) *debates:* G.A. (XX), Plen., 1399th and 1400th mtgs.

(*ii*) *resolutions adopted:* General Assembly resolutions 2074 (XX) (on the item as a whole) and 2075 (XX) (on petitions concerning South West Africa), of 17 December 1965.

(19) *Reports of the International Law Commission on the work of its sixteenth and seventeenth sessions* (agenda item 87)[14]

(*a*) Basic documents: Reports of the International Law Commission on the work of its sixteenth and seventeenth sessions: G.A. (XIX), Suppl. No. 9 (A/5809), and G.A. (XX), Suppl. No. 9 (A/6009).

(*b*) Consideration by the Sixth Committee:

(*i*) *draft resolutions* (A/C.6/L.559 and Corr. 1 [French only], L.560 and Corr.1 [Russian only], L.561, L.562) and *report* of the Sixth Committee (A/6090):[15] see G.A. (XX), Annexes, a.i. 87.

(*ii*) *debates:* G.A. (XX), 6th Committee, 839th to 853rd mtgs.

(*c*) Consideration in plenary:

(*i*) *debate:* G.A. (XX), Plen., 1391st mtg.

(*ii*) *resolution adopted:* General Assembly resolution 2045 (XX)[16] of 8 December 1965.

(20) *General multilateral treaties concluded under the auspices of the League of Nations: report of the Secretary-General* (agenda item 88)

(*a*) Basic document: Report of the Secretary-General (A/5759 and Add.1): see G.A. (XX), Annexes, a.i. 88.

(*b*) Consideration by the Sixth Committee:

(*i*) *draft resolutions* (A/C.6/L.563 and Rev.1-2, L.566 and Rev.1) and *report* of the Sixth Committee (A/6088):[17] see G.A. (XX), Annexes, a.i. 88.

(*ii*) *debates:* G.A. (XX), 6th Committee, 853rd to 857th mtgs.

(*c*) Consideration in plenary:

(*i*) *debate:* G.A. (XX), Plen., 1367th mtg.

(*ii*) *resolution adopted:* General Assembly resolution 2021 (XX)[18] of 5 November 1965.

(21) *Technical assistance to promote the teaching, study, dissemination and wider appreciation of international law: report of the Special Committee on Technical Assistance to Promote the Teaching, Study, Dissemination and Wider Appreciation of International Law* (agenda item 89)[19]

(*a*) Basic documents: Comments received from Governments of Member States and from international organizations and institutions (A/5744 and Add.1-4), Report of the Special Committee on Technical Assistance to Promote the Teaching, Study,

---

[14] See also section 7 below.

[15] Text reproduced in this *Yearbook*, p. 74.

[16] *Ibid.*, p. 95.

[17] *Ibid.*, p. 96.

[18] *Ibid.*, p. 102.

[19] See also section 5 below.

Dissemination and Wider Appreciation of International Law (A/5887) and Note by the Secretariat (A/C.6/L.565): see G.A. (XX), Annexes, a.i. 89.

(*b*) Consideration by the Sixth Committee:

(*i*) *draft resolutions* (A/C.6/L.567 and Corr.1 and Add.1, L.568, L.569 and Corr.1 [English and Russian only] and Add.1, L.570 and Rev.1 [Spanish only]) and *report* of the Sixth Committee (A/6136): see G.A. (XX), Annexes, a.i. 89.

(*ii*) *debates:* G.A. (XX), 6th Committee, 857th to 870th and 879th mtgs.

(*c*) Consideration in plenary:

(*i*) *debate:* G.A. (XX), Plen., 1404th mtg.

(*ii*) *resolution adopted:* General Assembly resolution 2099 (XX)[20] of 20 December 1965.

(22) *Consideration of principles of international law concerning friendly relations and co-operation among States in accordance with the Charter of the United Nations: (a) Report of the Special Committee on Principles of International Law concerning Friendly Relations and Co-operation among States; (b) Study of the principles enumerated in paragraph 5 of General Assembly resolution 1966 (XVIII); (c) Report of the Secretary-General on methods of fact-finding* (agenda item 90)

Observance by Member States of the principles relating to the sovereignty of States, their territorial integrity, non-interference in their domestic affairs, the peaceful settlement of disputes and the condemnation of subversive activities (agenda item 94)

(*a*) Basic documents: Report of the Special Committee on Principles of International Law concerning Friendly Relations and Co-operation among States (A/5746), Report of the Secretary-General on methods of fact-finding (A/5694), Comments from Governments (A/5725 and Add. 1-7) and Note verbale from the Permanent Representative of Madagascar to the United Nations addressed to the Secretary-General (A/5937) (requests the inclusion of item 94 in the agenda of the 20th session of the General Assembly): see G.A. (XX), Annexes, a.i. 90 and 94.

(*b*) Consideration by the Sixth Committee:

(*i*) *draft resolutions* (A/C.6/L.575 and Add.1, L.576, L.577 and Rev.1, L.578 and Add.1, L. 580, L. 585 and Add.1; A/5757 and Add.1), *selected background documentation and bibliography* prepared by the Secretariat (A/C.6/L.537/Rev.1/Add.1) (mimeographed) and *report* of the Sixth Committee (A/6165):[21] see G.A. (XX), Annexes, a.i. 90 and 94.

(*ii*) *debates:* G.A. (XX), 6th Committee, 870th to 872nd, 874th to 893rd and 898th mtgs.

(*c*) Consideration in plenary:

(*i*) *debate:* G.A. (XX), Plen., 1404th mtg.

(*ii*) *resolutions adopted:* General Assembly resolutions 2103 (XX)[22] (on consideration of principles of international law concerning friendly relations and co-operation among States in accordance with the Charter of the United Nations) and 2104 (XX)[23] (on the question of methods of fact-finding), of 20 December 1965.

(23) *Consideration of steps to be taken for progressive development in the field of private international law with a particular view to promoting international trade* (agenda item 92)

(*a*) Basic documents: Background paper submitted by the delegation of Hungary (A/C.6/L.571) and Note by the Secretariat (A/C.6/L.572): see G.A. (XX), Annexes, a.i. 92.

---

[20] Text reproduced in this *Yearbook*, p. 103.

[21] *Ibid.*, p. 106.

[22] *Ibid.*, p. 124.

[23] *Ibid.*, p. 126.

(*b*) Consideration by the Sixth Committee:

(*i*) *draft resolution* (A/C.6/L.579 and Add. 1-3, and L.579/Rev.1), *communication* from the International Institute for the Unification of Private Law (A/C.6/L.583) and *report* of the Sixth Committee (A/6206): see G.A. (XX), Annexes, a.i. 92.

(*ii*) *debates:* G.A. (XX), 6th Committee, 894th to 896th mtgs.

(*c*) Consideration in plenary:

(*i*) *debate:* G.A. (XX), Plen., 1404th mtg.

(*ii*) *resolution adopted:* General Assembly resolution 2102 (XX)[24] of 20 December 1965.

(24) *Question of convening a world disarmament conference* (agenda item 95)

(*a*) Basic document: Letter from the Chairman of the Disarmament Commission to the Secretary-General (A/5992-S/6707).

(*b*) Consideration by the First Committee:

(*i*) *draft resolutions* (A/C.1/L.340 and Add. 1-3, L.340/Rev.1, L.344 and Rev.1) and *report* of the First Committee (A/6119): see G.A. (XX), Annexes, a.i. 95.

(*ii*) *debates:* G.A. (XX), 1st Committee, 1374th to 1381st mtgs.

(*c*) Consideration in plenary:

(*i*) *debate:* G.A. (XX), Plen., 1384th mtg.

(*ii*) *resolution adopted:* General Assembly resolution 2030 (XX) of 29 November 1965.

(25) *Creation of the post of United Nations High Commissioner for Human Rights* (agenda item 98)

(*a*) Basic document: Letter from the Permanent Representative of Costa Rica to the United Nations addressed to the Secretary-General (A/5963) (requests the inclusion of the item in the agenda of the 20th session of the General Assembly and submits explanatory memorandum).

(*b*) Consideration by the Third Committee:

(*i*) *draft resolutions* (A/5963; A/C.3/L.1328) and *report* of the Third Committee (A/6167): see G.A. (XX), Annexes, a.i. 98.

(*ii*) *debate:* G.A. (XX), 3rd Committee, 1372nd mtg.

(*c*) Consideration in plenary:

(*i*) *debate:* G.A. (XX), Plen., 1397th mtg.

(*ii*) *resolution adopted:* General Assembly resolution 2062 (XX) of 16 December 1965.

(26) *Peaceful settlement of disputes* (agenda item 99)

(*a*) Basic document: Letter from the Permanent Representative of the United Kingdom of Great Britain and Northern Ireland to the United Nations addressed to the Secretary-General (A/5964) (requests the inclusion of the item in the agenda of the 20th session of the General Assembly and submits explanatory memorandum): see G.A. (XX), Annexes, a.i. 99.

(*b*) Consideration by the Special Political Committee:

(*i*) *draft resolution* (A/SPC/L.123 and add. 1-3) and *report* of the Special Politica Committee (A/6187): see G.A. (XX), Annexes, a.i. 99.

(*ii*) *debates:* G.A. (XX), Special Political Committee, 489th to 492nd mtgs.

(*c*) Consideration in plenary:

(*i*) *debate:* G.A. (XX), Plen., 1403rd mtg.

[24] Text reproduced in this *Yearbook*, p. 126.

(*ii*) See decision taken by the General Assembly at its 1403rd plenary meeting, on 18 December 1965.

(27) *Comprehensive review of the whole question of peace-keeping operations in all their aspects: (a) Report of the Special Committee on Peace-Keeping Operations; (b) The authorization and financing of future peace-keeping operations* (agenda item 101)[25]

(*a*) Basic documents: Letters from the Permanent Representative of Ireland to the United Nations addressed to the Secretary-General (A/5966 and Rev. 1-2) (request the inclusion of a supplementary item in the agenda of the 20th session of the General Assembly and submit explanatory memorandum), Note by the Secretary-General (A/5972) (requests the inclusion of an additional item in the agenda of the 20th session of the General Assembly and submits explanatory memorandum) and Note by the Secretary-General (A/6026) (contains replies from Member States concerning guidelines for future peace-keeping operations): see G.A. (XX), Annexes, a.i.101—Reports of the Special Committee on Peace-Keeping Operations (A/5915 and Add.1, A/5916 and Add.1).

(*b*) Consideration by the Special Political Committee:

(*i*) *draft resolutions* (A/SPC/L.117 and Add. 1-2, L.121 and Rev.1, L.122 and Add.1, L.124) and *report* of the Special Political Committee (A/6158): see G.A. (XX), Annexes, a.i. 101.

(*ii*) *debates:* G.A. (XX), Special Political Committee, 438th, 460th to 468th and 482nd to 488th mtgs.

(*c*) Consideration in plenary:

(*i*) *debate:* G.A. (XX), Plen., 1395th mtg.

(*ii*) *resolution adopted:* General Assembly resolution 2053 (XX) of 15 December 1965.

(28) *Amendments to the rules of procedure of the General Assembly consequent upon the entry into force of the amendments to Articles 23, 27 and 61 of the Charter of the United Nations*[26] (agenda item 103)

(*a*) Basic document: Note by the Secretary-General (A/5973): see G.A. (XX), Annexes, a.i. 103.

(*b*) Consideration by the Sixth Committee:

(*i*) *draft resolution* (A/C.6/L.573) and *report* of the Sixth Committee (A/6132 and Corr. 1):[27] see G.A. (XX), Annexes, a.i. 103.

(*ii*) *debates:* G.A. (XX), 6th Committee, 873rd, 878th and 879th mtgs.

(*c*) Consideration in plenary:

(*i*) *debate:* G.A. (XX), Plen., 1391st mtg.

(*ii*) *resolution adopted:* General Assembly resolution 2046 (XX)[28] of 8 December 1965.

(29) *Amendment to Article 109 of the Charter of the United Nations* (agenda item 104)

(*a*) Basic document: Note by the Secretary-General (A/5974): see G.A. (XX), Annexes, a.i. 104.

(*b*) Consideration by the Sixth Committee:

(*i*) *draft resolution* (A/C.6/L.584) and *report* of the Sixth Committee (A/6180):[29] see G.A. (XX), Annexes, a.i. 104.

(*ii*) *debate:* G.A. (XX), 6th Committee, 897th mtg.

---

[25] See also section 6 below.

[26] See p. 159 of this *Yearbook*.

[27] Text reproduced in this *Yearbook*, p. 127.

[28] *Ibid.*, p. 131.

[29] *Ibid.*, p. 132.

(c) Consideration in plenary:

(i) *debate:* G.A. (XX), Plen., 1404th mtg.

(ii) *resolution adopted:* General Assembly resolution 2101 (XX)[30] of 20 December 1965.

(30) *Declaration on the denuclearization of Africa* (agenda item 105)

(a) Basic document: Letter from the Permanent Representatives of thirty-four African States to the United Nations addressed to the Secretary-General (A/5975) (requests the inclusion of the item in the agenda of the 20th session of the General Assembly): see G.A. (XX), Annexes, a.i. 105.

(b) Consideration by the First Committee:

(i) *draft resolutions* (A/C.1/L.346 and Rev.1-2) and *report* of the First Committee (A/6127): see G.A. (XX), Annexes, a.i. 105.

(ii) *debates:* G.A. (XX), 1st Committee, 1387th to 1392nd mtgs.

(c) Consideration in plenary:

(i) *debate:* G.A. (XX), Plen., 1388th mtg.

(ii) *resolution adopted:* General Assembly resolution 2033 (XX) of 3 December 1965.

(31) *Non-proliferation of nuclear weapons* (agenda item 106)

(a) Basic document: Letter from the Minister for Foreign Affairs of the USSR addressed to the President of the General Assembly (A/5976) (requests the inclusion of the item in the agenda of the 20th session of the General Assembly and submits explanatory memorandum and draft treaty): see G.A. (XX), Annexes, a.i. 106.

(b) Consideration by the First Committee:

(i) *draft resolutions* (A/C.1/L.337, L.338, L.339, L.339/Rev.1 [French only]) and *report* of the First Committee (A/6097): see G.A. (XX), Annexes, a.i. 106.

(ii) *debates:* G.A. (XX), 1st Committee, 1355th to 1373rd mtgs.

(c) Consideration in plenary:

(i) *debate:* G.A. (XX), Plen., 1382nd mtg.

(ii) *resolution adopted:* General Assembly resolution 2028 (XX) of 19 November 1965.

(32) *The inadmissibility of intervention in the domestic affairs of States and the protection of their independence and sovereignty* (agenda item 107)

(a) Basic document: Letter from the Minister for Foreign Affairs of the USSR to the President of the General Assembly (A/5977) (requests the inclusion of the item in the agenda of the 20th session of the General Assembly and submits explanatory memorandum and draft declaration): see G.A. (XX), Annexes, a.i. 107.

(b) Consideration by the First Committee:

(i) *draft resolutions* (A/C.1/L.343/Rev.1, L.349/Rev.1 and Add.1 and Rev.2, L.350 and Corr.1, L.351, L.352, L.353/Rev.4 and Add.1, L.354, L.364 and Add.1) and *report* of the First Committee (A/6220): see G.A. (XX), Annexes, a.i. 107.

(ii) *debates:* G.A. (XX), 1st Committee, 1395th to 1406th, 1420th, 1422nd and 1423rd mtgs.

(c) Consideration in plenary:

(i) *debate:* G.A. (XX), Plen., 1408th mtg.

(ii) *resolution adopted:* General Assembly resolution 2131 (XX)[31] ("Declaration on the inadmissibility of intervention in the domestic affairs of States and the protection of their independence and sovereignty"), of 21 December 1965.

[30] Text reproduced in this *Yearbook*, p. 135.

[31] *Ibid.*

(B) *Other documents of legal interest*

(1) *The policies of apartheid of the Government of the Republic of South Africa*[32]

Reports of the Special Committee on the Policies of *Apartheid* of the Government of the Republic of South Africa (A/5932-S/6453 and A/5957-S/6605): see G.A. (XX), Annexes, a.i. 36.

See also General Assembly resolution 2054 (XX) of 15 December 1965.

(2) *Question of Oman*

Report of the *Ad Hoc* Committee on Oman (A/5846): see G.A. (XIX), Annex No. 16.

(3) *Refugees*[33]

Report of the United Nations High Commissioner for refugees: G.A. (XX), Suppl. No. 11 (A/6011/Rev.1) (Chapter II: International protection).

(4) *Human rights*[34]

Measures to implement the United Nations Declaration on the Elimination of All Forms of Racial Discrimination. Report of the Secretary-General (A/5698/Add.4).

(5) *Status of women*[35]

Constitutions, electoral laws and other legal instruments relating to the political rights of women. Memorandum by the Secretary-General (A/6036).

(6) *International Court of Justice*[36]

Salaries and pensions arrangements for members of the International Court of Justice. Note by the Secretary-General (A/C.5/1045): see G.A. (XX), Annexes, a.i. 76.

Election of a member of the International Court of Justice to fill the vacancy caused by the death of Judge Abdel Hamid Badawi. List of candidates nominated by national groups. Note by the Secretary-General (A/6067 and Add.1-3—S/6817 and Add.1-3): see G.A. (XX), Annexes, a.i. 97.

—. Memorandum by the Secretary-General (A/6068-S/6818): *ibid.*

See also election held on 16 November 1965 by the General Assembly at its 1378th plenary meeting and by the Security Council at its 1262nd meeting.

(7) *Administrative Tribunal*

Note by the Secretary-General (A/INF/111) (transmits annual note by the Administrative Tribunal to the President of the General Assembly as to the functioning of the Tribunal).

Appointments to fill vacancies in the membership of subsidiary bodies of the General Assembly. United Nations Administrative Tribunal. Note by the Secretary-General (A/5878): see G.A. (XIX), Annex No. 17.

—.—. Note by the Secretary-General (A/5955): see G.A. (XX), Annexes, a.i. 79.

—.—. Report of the Fifth Committee (A/6064): *ibid.*

See also General Assembly resolution 2051 (XX) of 13 December 1965.

2. COMMITTEE ESTABLISHED UNDER GENERAL ASSEMBLY RESOLUTION 1181 (XII) (QUESTION OF DEFINING AGGRESSION)

Documents relating to an agenda item of legal interest (third session)

Further consideration of the question of determining when it shall be appropriate for the General Assembly to consider again the question of defining aggression

---

[32] See also section II 2 below.

[33] See also section 3 below.

[34] See also sections (A) (9) above and III 1 (A) (3) below.

[35] See also section III 3 (1) below.

[36] See also section VI below.

(*a*) Basic document: Note by the Secretary-General (A/AC.91/L.10) and comments by Governments (A/AC.91/4 and Add. 1-5, and Add. 3/Corr.1 [French only] and 2 [Russian only]).

(*b*) Consideration by the Committee:

(*i*) *draft resolutions* (A/AC.91/L.11, L.12, L.13, L.14, L.15 and Corr.1 [Spanish only]) and *report of the Committee* (A/AC.91/5).

(*ii*) *debates:* A/AC.91/SR.13 to 22.

3. EXECUTIVE COMMITTEE OF THE PROGRAMME OF THE UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES[37]

Documents of legal interest

Note on the implementation of the indemnification agreement concluded between the United Nations High Commissioner for Refugees and the Federal Republic of Germany. Submitted by the High Commissioner for information (A/AC.96/INF.33).

Colloquium on the legal aspects of refugee problems. Note by the High Commissioner (A/AC.96/INF.40).

4. COMMITTEE ON THE PEACEFUL USES OF OUTER SPACE[38]

(A) *Documents relating to agenda items of legal interest* (seventh session)

General debate (agenda item 2) *and report of the Legal Sub-Committee on the work of its fourth session* (agenda item 5)

(*a*) Basic document: Report of the Legal Sub-Committee on the work of its fourth session (A/AC.105/29).

(*b*) Consideration by the Legal Sub-Committee of the draft agreement on assistance to and return of astronauts and space craft and of the draft agreement on liability for damage caused by objects launched into outer space (fourth session of the Sub-Committee):

(*i*) *proposals* (A/AC.105/C.2/L.2/Rev.2 and Corr.1 and 2 [English only], and L.9; WG.I/17/Rev.1) and *amendments* (WG./I/33-36), on assistance to and return of astronauts and space craft: see Annex I of Sub-Committee's reports on its third session, second part (A/AC.105/21 and Add.1) and on its fourth session (A/AC.105/29); *proposals* (A/AC.105/C.2/L.7/Rev.2 and Corr. 1 and 2-3 [English only], L.8/Rev.3, L.10/Rev.1), *amendment* (WG.II/30) and *comparative table* (A/AC.105/C.2/W.2/Rev.3), on liability for damage caused by objects launched into outer space: see Annex II of Sub-Committee's report on its third session, second part (A/AC.105/21 and Add.1) and Annexes II and IV of Sub-Committee's report on its fourth session (A/AC.105/29); and *report* of the Sub-Committee (A/AC.105/29).

(*ii*) *debates:* A/AC.105/C.2/SR.42 to 47 (on assistance to and return of astronauts and space craft) and 48 to 55 (on liability for damage caused by objects launched into outer space).

(*c*) General debate in the Committee and consideration by the Committee of the Legal Sub-Committee's report:

(*i*) *report* of the Committee (A/6042): see G.A. (XX), Annexes, a.i. 31.

(*ii*) *debates:* A/AC.105/PV.37 to 40.

(B) *Other document of legal interest*

Report of the Legal Sub-Committee on the work of the second part of its third session. Addendum to Annex IV (A/AC.105/21/Add.2).

[37] See also section 1 (B) (3) above.

[38] See also section 1 (A) (5) above.

5. SPECIAL COMMITTEE ON TECHNICAL ASSISTANCE TO PROMOTE THE TEACHING, STUDY, DISSEMINATION AND WIDER APPRECIATION OF INTERNATIONAL LAW [39]

Document of legal interest

Summary of views and proposals presented by Member States, international organizations and institutions and the Secretary-General. Prepared by the Secretariat (A/AC.117/L.2).

6. SPECIAL COMMITTEE ON PEACE-KEEPING OPERATIONS [40]

Document of legal interest

Report of the Secretary-General and the President of the General Assembly (A/AC.121/4).

7. INTERNATIONAL LAW COMMISSION [41]

(A) *Documents relating to agenda items of legal interest* (seventeenth session, first part)

(1) *Law of treaties* (agenda item 2)

(*a*) Basic document: Fourth report on the law of treaties by Sir Humphrey Waldock, Special Rapporteur (A/CN.4/177 and Add.1-2).

(*b*) Consideration by the Commission:

(*i*) *comments* by Governments on parts I and II of draft articles drawn up by the Commission at its fourteenth and fifteenth sessions (A/CN.4/175 and Add.1-4). — *Report* of the Commission: G.A. (XX), Suppl. No. 9 (A/6009) (contains revised draft articles on the conclusion, entry into force and registration of treaties).

(*ii*) *debates:* International Law Commission, 776th to 803rd, 810th to 816th, 819th and 820th mtgs.

(2) *Special missions* (agenda item 3)

(*a*) Basic document: Second report on special missions by Mr. M. Bartoš, Special Rapporteur (A/CN.4/179).

(*b*) Consideration by the Commission:

(*i*) *report* of the Commission: G.A. (XX), Suppl. No. 9 (A/6009) (contains draft articles on special missions).

(*ii*) *debates:* International Law Commission, 804th to 809th, 817th, 819th, 820th and 821st mtgs.

(B) *Other documents of legal interest*

General

Yearbook of the International Law Commission, 1963, vol. II: Documents of the fifteenth session, including report to General Assembly (A/CN.4/SER.A/1963/Add.1—Sales No.: 63.V.2).

Yearbook of the International Law Commission, 1964, vol. I: Summary records of the sixteenth session (A/CN.4/SER.A/1964—Sales No.65.V.1) and vol. II: Documents of the sixteenth session, including report to General Assembly (A/CN.4/SER.A/1964/Add.1—Sales No.: 65.V.2).

Law of treaties

Fifth report on the law of treaties by Sir Humphrey Waldock, Special Rapporteur (A/CN.4/183 and Add.1).

---

[39] See also section 1 (A) (21) above.

[40] See also section 1 (A) (27) above.

[41] See also section 1 (A) (19) above. For detailed information, see *Yearbook of the International Law Commission, 1965* (United Nations publication, Sales Nos.: 66.V.1 and 66.V.2).

8. UNITED NATIONS CONGRESS ON THE PREVENTION OF CRIME AND THE TREATMENT OF OFFENDERS (STOCKHOLM, 1965) [42]

Documents of legal interest

Measures to combat recidivism (with particular reference to adverse conditions of detention pending trial and inequality in the administration of justice). Working paper prepared by the Secretariat (A/CONF.26/4).

Probation (especially adult probation) and other non-institutional measures. Working paper prepared by the Secretariat (A/CONF.26/5).

II. SECURITY COUNCIL AND SUBSIDIARY ORGANS

1. SECURITY COUNCIL

Document of legal interest

Letter dated 6 August 1965 from the Secretary-General addressed to the Acting Permanent Representative of the USSR (S/6597) (contains text of exchange of letters [43] between the Secretary-General and the Minister for Foreign Affairs of Belgium concerning the settlement of claims lodged against ONUC by Belgian nationals).

2. EXPERT COMMITTEE ESTABLISHED IN PURSUANCE OF SECURITY COUNCIL RESOLUTION S/5773 [44]

Documents of legal interest

Bibliography on sanctions in international law with special reference to the experience of the League of Nations (S/AC.14/7 [English only]).

Documents of the League of Nations, the International Institute of Intellectual Co-operation, and the United Nations [on sanctions] (S/AC.14/8 [English only]).

III. ECONOMIC AND SOCIAL COUNCIL AND SUBSIDIARY ORGANS

1. ECONOMIC AND SOCIAL COUNCIL AND SESSIONAL COMMITTEES

(A) *Documents relating to agenda items of legal interest* (thirty-ninth session)

(1) *Travel, transport and communications:*

...

b. *Question of procedures for the revision of the Convention on Road Traffic and of the Protocol on Road Signs and Signals, done at Geneva, 19 September 1949* (agenda item 23)

(*a*) Basic documents: Draft Convention on Road Traffic (E/3998) and explanatory comments (E/3998/Add.1), Draft Convention on Road Signs and Signals (E/3999) and explanatory comments (E/3999/Add.1), Report of the Secretary-General (E/4066 and Add.1): see E.S.C. (XXXIX), Annexes, a.i. 23.

(*b*) Consideration by the Economic Committee:

(*i*) *draft resolution* (E/AC.6/L.317) and *report* of the Economic Committee (E/4107): see E.S.C. (XXXIX), Annexes, a.i. 23.

(*ii*) *debates:* E/AC.6/SR.369 to 371.

(*c*) Consideration by the Council:

(*i*) *debate:* E.S.C. (XXXIX), 1394th mtg.

(*ii*) *resolution adopted:* Economic and Social Council resolution 1082 B (XXXIX) of 30 July 1965.

---

[42] See also section V 2 below.

[43] Reproduced in this *Yearbook*, p. 39.

[44] See also section I 1 (B) (1) above.

(2) *Report of the Commission on Human Rights* (agenda item 25)[45]

(*a*) Basic document: Report of the Commission on Human Rights (twenty-first session): E.S.C. (XXXIX), Suppl. No. 8 (E/4024).

(*b*) Consideration by the Social Committee:

(*i*) *draft resolutions* (E/AC.7/L.462, L.463, L.464, L.467, L.468), *letter* from the Permanent Representative of Costa Rica (E/L.1080) and *report* of the Social Committee (E/4100 and Add.1): see E.S.C. (XXXIX), Annexes, a.i. 25.

(*ii*) *debates:* E/AC.7/SR.516 to 521 and 524.

(*c*) Consideration by the Council:

(*i*) *draft resolution* (E/L.1088): see E.S.C. (XXXIX), Annexes, a.i. 25.

(*ii*) *debates:* E.S.C. (XXXIX), 1391st and 1392nd mtgs.

(*iii*) *resolutions adopted:* Economic and Social Council resolutions 1074 (XXXIX) (on the item as a whole) and 1075 (XXXIX) (on organizational and procedural arrangements for the implementation of conventions and recommendations in the field of human rights), of 28 July 1965.

(3) *Measures taken in the implementation of the United Nations Declaration on the Elimination of All Forms of Racial Discrimination* (agenda item 26)[46]

(*a*) Basic document: Note by the Secretary-General (E/4028): see E.S.C. (XXXIX), Annexes, a.i. 26.

(*b*) Consideration by the Social Committee:

(*i*) *draft resolution* (E/AC.7/L.469) and *report* of the Social Committee (E/4101): see E.S.C. (XXXIX), Annexes, a.i. 26.

(*ii*) *debates:* E/AC.7/SR.521 and 522.

(*c*) Consideration by the Council:

(*i*) *debate:* E.S.C. (XXXIX), 1392nd mtg.

(*ii*) *resolution adopted:* Economic and Social Council resolution 1076 (XXXIX) of 28 July 1965.

(4) *Report of the Commission on the Status of Women* (agenda item 27)[47]

(*a*) Basic document: Report of the Commission on the Status of Women (eighteenth session): E.S.C. (XXXIX), Suppl. No. 7 (E/4025).

(*b*) Consideration by the Social Committee:

(*i*) *draft resolutions* (E/AC.7/L.450, L.451, L.452, L.453, L.454, L.455, L.456, L.458) and *report* of the Social Committee (E/4088): see E.S.C. (XXXIX), Annexes, a.i. 27.

(*ii*) *debates:* E/AC.7/SR.508 to 513.

(*c*) Consideration by the Council:

(*i*) *debate:* E.S.C. (XXXIX), 1385th mtg.

(*ii*) *resolution adopted:* Economic and Social Council resolution 1068 (XXXIX) of 16 July 1965.

(5) *Slavery* (agenda item 29)

(*a*) Basic document: Report of the Special Rapporteur on Slavery appointed under Council resolution 960 (XXXVI) (E/4056 and Add.1-3).

---

[45] See also section 2 below.

[46] See also sections I 1 (A) (9) and I 1 (B) (4) above.

[47] See also section 3 below.

(*b*) Consideration by the Social Committee:

(*i*) *draft resolution* (E/AC.7/L.471) and *report* of the Social Committee (E/4102): see E.S.C. (XXXIX), Annexes, a.i. 29.

(*ii*) *debates:* E/AC.7/SR.522 to 524.

(*c*) Consideration by the Council:

(*i*) *debate:* E.S.C. (XXXIX), 1392nd mtg.

(*ii*) *resolution adopted:* Economic and Social Council resolution 1077 (XXXIX) of 28 July 1965.

(B) *Other documents of legal interest*

(1) *Draft declaration on the elimination of all forms of religious intolerance* [48]

Note by the Secretary-General (E/3925/Add. 3-5) (transmits comments from Governments).

(2) *Role of patents in the transfer of technology to developing countries* [49]

Note by the Secretary-General (E/4078).

2. COMMISSION ON HUMAN RIGHTS [50]

(A) *Documents relating to agenda items of legal interest* (twenty-first session)

(1) *Draft international convention on the elimination of all forms of religious intolerance* (agenda item 3) [51]

(*a*) Basic document: Report of the Sub-Commission on Prevention of Discrimination and Protection of Minorities (seventeenth session) (E/CN.4/882 and Corr.1) (para. 321 contains text of draft international convention; para. 329 contains text of preliminary draft on additional measures of implementation).

(*b*) Consideration by the Commission:

(*i*) *draft resolutions* (E/CN.4/L.722, L.723 and Rev.1, L.725, L.727, L.728, L.729 and Rev.1, L.730, L.731, L.732, L.734, L.736, L.735, L.737, L.738, L.740 and Rev.1, L.742, L.745, L.746, L.755, L.756, L.757) and *resolution adopted* (1 (XXI)): see *report* of the Commission: E.S.C. (XXXIX), Suppl. No. 8 (E/4024) (para. 327 contains text of provisions of draft convention adopted by the Commission at its 21st session).

(*ii*) *debates:* E/CN.4/SR.817 to 834 and 837 to 839.

(2) *Periodic reports on human rights* (agenda item 4) [52]

(*a*) Basic documents: Report of the Committee on periodic reports on human rights (E/CN.4/876 and Corr.1 [English only]) (para. 257 contains text of draft resolution), summary of periodic reports prepared by the Secretary-General (E/CN.4/860 and Add.1-10), reports by the specialized agencies (E/CN.4/861 and Add.1-3) and note by the Secretary-General on comments and observations received from non-governmental organizations in consultative status (E/CN.4/872 and Add.1-2).

(*b*) Consideration by the Commission:

(*i*) *draft resolutions* (E/CN.4/L.758, L.759, L.760, L.762, L.763, L.764, L.765) and *resolution adopted* (2 (XXI)): see *report* of the Commission: E.S.C. (XXXIX), Suppl. No. 8 (E/4024).

(*ii*) *debates:* E/CN.4/SR.839 to 843.

---

[48] See also section I 1 (A) (12) above.

[49] See also section 1 1 (A) (7) above.

[50] See also section 1 (A) (2) above.

[51] See also section I 1 (A) (12) above.

[52] See also section (B) (5) below.

(3) *International Year for Human Rights* (agenda item 6) [53]

(*a*) Basic document: Report of the Committee on the International Year for Human Rights (E/CN.4/886).

(*b*) Consideration by the Commission:

(*i*) *draft resolutions* (E/CN.4/L.769, L.770, L.771, L.772, L.773, L.774, L.775) and *resolution adopted* (5 (XXI)): see *report* of the Commission: E.S.C. (XXXIX), Suppl. No. 8 (E/4024).

(*ii*) *debates:* E/CN.4/SR.844 to 846 and 848.

(4) *Question of the punishment of war criminals and of persons who have committed crimes against humanity* (agenda item 17)

(*a*) Basic documents: Communications by the Governments of Poland (E/CN.4/885), the Byelorussian SSR (E/CN.4/890) and Czechoslovakia (E/CN.4/889).

(*b*) Consideration by the Commission:

(*i*) *draft resolutions* (E/CN.4/L.733/Rev.1, L.747, L.748, L.752, L.753, L.761, L.761/Rev.1 [Russian only] and *resolution adopted* (3 (XXI)): see *report* of the Commission: E.S.C. (XXXIX), Suppl. No. 8 (E/4024).

(*ii*) *debates:* E/CN.4/SR.835, 836 and 844.

(B) *Other documents of legal interest*

(1) *Advisory services in the field of human rights*

Report by the Secretary-General (E/CN.4/877).

(2) *Freedom of information* [54]

Annual report, 1963-1964, by the Secretary-General (E/CN.4/878 and Add.1-2).

(3) *Genocide*

Note by the Secretary-General (E/CN.4/Sub.2/259).

(4) *International Year for Human Rights* [55]

Some legal aspects of the proposal to award a human rights prize adopted by the Working Party [on the International Year for Human Rights] at its fifth meeting (E/CN.4/AC.19/L.2). [56]

(5) *Periodic reports on human rights* (1960-1962) [57]

Summary prepared by the Secretary-General (E/CN.4/860/Add.8-10).

(6) *Study of discrimination against persons born out of wedlock*

Progress report submitted by the Special Rapporteur, Mr. V.V. Saario (E/CN.4/Sub.2/248).

Draft report submitted by the Special Rapporteur, Mr. V.V. Saario (E/CN.4/Sub.2/252).

(7) *Study of discrimination in respect of the right of everyone to leave any country, including his own, and to return to his country*

Note by the Secretary-General (E/CN.4/875).

(8) *Study of equality in the administration of justice*

Progress report submitted by the Special Rapporteur, Mr. Mohammed Ahmed Abu Rannat (E/CN.4/Sub.2/253).

---

[53] See also sections I 1 (A) (17) above and III 2 (B) (4) below.

[54] See also section I 1 (A) (14) above.

[55] See also sections I 1 (A) (17) and III 2 (A) (3) above.

[56] See p. 232 of this *Yearbook*.

[57] See also section (A) (2) above.

(9) *Study of the right of everyone to be free from arbitrary arrest, detention and exile*

Study of the right of everyone to be free from arbitrary arrest, detention and exile (E/CN.4/826/Rev.1—Sales No.: 65. XIV.2).

3. COMMISSION ON THE STATUS OF WOMEN[58]

Documents relating to agenda items of legal interest (eighteenth session)

(1) *Political rights of women:*

a. *Progress achieved in the field of political rights;*

b. *Implementation of the Convention on the Political Rights of Women;*

c. *Status of women in Trust Territories;*

d. *Status of women in Non-Self-Governing Territories* (agenda item 3)[59]

(*a*) Basic documents: Memoranda by the Secretary-General on constitutions, electoral laws and other legal instruments relating to the political rights of women (A/5456 and Add.1, A/5735), reports of the Secretary-General on the implementation of the Convention on the Political Rights of Women (E/CN.6/360/Add.3-4, E/CN.6/430 and Add.1), report of the Secretary-General containing information on the status of women in Trust Territories (E/CN.6/427) and report of the Secretary-General containing information on the status of women in Non-Self-Governing Territories (E/CN.6/434).

(*b*) Consideration by the Commission:

(*i*) *draft resolutions* (E/CN.6/L.397 and Rev.1-3, L.399) and *resolutions adopted* (1 (XVIII) and 2 (XVIII)): see *report* of the Commission: E.S.C. (XXXIX), Suppl. No. 7 (E/4025).

(*ii*) *debates:* E/CN.6/SR.413 to 418, 422 and 424.

(2) *Draft declaration on the elimination of discrimination against women* (agenda item 4)

(*a*) Basic document: Memorandum by the Secretary-General (E/CN.6/426 and Add.1-2).

(*b*) Consideration by the Commission:

(*i*) *draft resolutions* (E/CN.6/L.396; E/CN.6/L.430, annex) and *report* of the Drafting Committee (E/CN.6/L.430): see *report* of the Commission: E.S.C. (XXXIX), Suppl. No. 7 (E/4025).

(*ii*) *debates:* E/CN.6/SR.415 to 417, 435 and 436.

(3) *Status of women in private law:*

a. *Legal conditions and effects of the dissolution of marriage, annulment of marriage and judicial separation;*

b. *Legislation and practice relating to the status of women in family law and property rights* (agenda item 7)[60]

(*a*) Basic documents: Report of the Secretary-General on the dissolution of marriage, annulment of marriage and judicial separation (E/CN.6/415 and Corr.1 and Add.1-2) and Supplementary report of the Secretary-General on legislation and practice relating to the status of women in family law and property rights (E/CN.6/425).

(*b*) Consideration by the Commission:

(*i*) *draft resolution* (E/CN.6/L.413) and *resolution adopted* (9 (XVIII)): see *report* of the Commission: E.S.C. (XXXIX), Suppl. No. 7 (E/4025).

(*ii*) *debates:* E/CN.6/SR.425 to 427.

(4) *Effect of resolutions and recommendations of the Commission on national legislation* (agenda item 10)

---

[58] See also section 1 (A) (4) above.

[59] See also section I 1 (B) (5) above.

[60] See also section V 1 below.

(*a*) Basic document: Report of the Secretary-General (E/CN.6/437).

(*b*) Consideration by the Commission:

(*i*) *draft resolutions* (E/CN.6/L.425 and L.426) and *resolution adopted* (14 (XVIII)): see *report* of the Commission: E.S.C. (XXXIX), Suppl. No. 7 (E/4025).

(*ii*) *debate:* E/CN.6/SR.432.

4. COMMISSION ON NARCOTIC DRUGS

Documents of legal interest

Report of the Division of Narcotic Drugs: 16 March 1964-30 June 1965 (E/CN.7/468).

—: 1 July-30 September 1965 (E/CN.7/468/Add.1).

—: Status of multilateral narcotics treaties (E/CN.7/468/Add.3 and Rev.1 [English only]).

Review of the Commission's work during its first twenty years. Note by the Secretary-General (E/CN.7/471).

Preparations for the implementation of the 1961 Convention. Revised draft administrative guide (E/CN.7/484).

—: Procedure for election of members of the International Narcotics Control Board, under article 9 of the 1961 Convention. Note by the Secretary-General (E/CN.7/487).

5. ECONOMIC COMMISSION FOR EUROPE

Document of legal interest

Convention on the Registration of Inland Navigation Vessels, done at Geneva on 25 January 1965 (E/ECE/579).

6. ECONOMIC COMMISSION FOR AFRICA

Documents of legal interest

African Development Bank

Agreement establishing the African Development Bank. Preparatory work, including summary records of the Conference of Finance Ministers. Prepared by the Executive Secretary of the ECA (E/CN.14/ADB/28—Sales No.: 64.II.K.6).

Standing Committee on Industry and Natural Resources

Investment laws and regulations in Africa (E/CN.14/INR/28/Rev.2—Sales No.: 65.II.K.3).

Standing Committee on Trade

Bilateral trade and payments agreements in Africa (E/CN.14/STC/24/Rev.1 and Corr.1 [English only]).

7. UNITED NATIONS CONFERENCE ON TRADE AND DEVELOPMENT (GENEVA, 1964)[61]

Documents of legal interest

Proceedings of the United Nations Conference on Trade and Development, Geneva, 23 March-16 June 1964, vol. I-VIII (E/CONF.46/141—Sales Nos.: 64.II.B.11 to 18).

Committee on the Preparation of a Draft Convention Relating to Transit Trade of Land-locked Countries

Documents relating to an agenda item of legal interest

Consideration of a draft convention relating to transit trade of land-locked countries

(*a*) Basic document: Draft convention submitted by the African-Asian land-locked countries (E/CONF.46/AC.2/1).

(*b*) Consideration by the Committee:

(*i*) *draft resolutions* (E/CONF.46/AC.2/L.2 and Corr.1 [English and Spanish only] and 2 [English only], L.3, L.4, L.5, L.6, L.7/Rev.1, L.8, L.9, L.10, L.11, L.12, L.13, L.14, L.15, L.16, L.17, L.18, L.19, L.20, L.21, L.22, L.23, L.24, L.25, L.26, L.27, L.29,

[61] See also sections I 1 (A) (6) above and IV below.

L.30, L.31, L.32, L.33, L.34/Rev.1, L.35, L.36, L.37, L.39), Secretariat *drafts* (E/CONF.46/AC.2/L.38 and Add.1-2, Add.3/Rev.1, Add.4-10, Add.12 and Add.14-17) and *report* of the Committee (A/5906): see G.A. (XIX), Annex No. 13.—*Texts* of international instruments and certain recommendations relating to transit trade (E/CONF.46/AC.2/2) and Secretariat *notes* (E/CONF.46/AC.2/3 [on various questions affecting the preparation of a convention relating to the transit trade of land-locked countries], 4 [on transit problems of Eastern African land-locked States] and 5 and Add.1 [English only] [on transit trade of land-locked countries of the ECAFE region]).

(*ii*) *debates:* E/CONF.46/AC.2/SR.3, 4 and 6 to 30.

IV. UNITED NATIONS CONFERENCE ON TRADE AND DEVELOPMENT[62]

Documents of legal interest

Trade and Development Board

Election of the members of the committees of the [Trade and Development] Board. Inclusion of new member States of UNCTAD in lists A, B, C and D of the annex to resolution 1995 (XIX). Opinion of the Office of Legal Affairs of the United Nations Secretariat (TD/B/L.16).[63]

United Nations Tin Conference (New York, 1965)

Third International Tin Agreement, as adopted at the final plenary session held at United Nations Headquarters on 14 April 1965 (TD/TIN.3/4 and Corr.1, 2 [French only] and 3 [Spanish only]).

United Nations Conference on Transit Trade of Land-locked Countries (New York, 1965)

Background paper on the question of free zones with reference to article 8 of the draft convention. Note by the Secretariat (TD/TRANSIT/4).

List of conventions and international agreements (multipartite and bilateral) relating to questions of transit (TD/TRANSIT/6).

Convention on Transit Trade of Land-locked States, adopted by the Conference at its 35th plenary meeting held on 8 July 1965 (TD/TRANSIT/9 and Corr.1,2 [French only] and 3 [Spanish only]).[64]

Final Act of the United Nations Conference on Transit Trade of Land-locked Countries adopted by the Conference at its 36th plenary meeting held on 8 July 1965 (TD/TRANSIT/10).

Resolutions adopted by the Conference (TD/TRANSIT/10/Add.1).[65]

V. SECRETARIAT[66]

1. BUREAU OF TECHNICAL ASSISTANCE OPERATIONS

Human rights series[67]

1964 Seminar on the status of women in family law. Lomé, 18-31 August 1964. Organized by the United Nations in collaboration with the Government of Togo (ST/TAO/HR/22).

Seminar on the multi-national society. Ljubljana, Yugoslavia, 8-21 June 1965 (ST/TAO/HR/23).

2. BUREAU OF SOCIAL AFFAIRS

Social defence series[68]

Comparative survey of juvenile delinquency. Part five: Middle East. Prepared by Mr. Mustafa El Aougi, Judge of the Appeals Court of Beirut (ST/SOA/SD/1/Add.4/Rev.1—Sales No.: 65.IV.6).

---

[62] See also sections I 1 (A) (6) and III 7 above.

[63] See p. 225 of this *Yearbook*.

[64] Text reproduced in this *Yearbook*, p. 162.

[65] *Ibid.*, p. 170.

[66] 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.

[67] See also section III 3 (3) above.

[68] See also section I 8 above.

The young adult offender. A review of current practices and programmes in prevention and treatment. Prepared and written by Albert G. Hess, National Council on Crime and Delinquency (ST/SOA/SD/11—Sales No.: 65.IV.5).

VI. INTERNATIONAL COURT OF JUSTICE[69]

1. GENERAL

Annuaire, 1964-1965. 1965. XII, 153 pp. Printed. Sales No. 295.

Yearbook, 1964-1965. 1965. XII, 150 pp. Printed. Sales No. 296.

2. REPORTS OF JUDGEMENTS, ADVISORY OPINIONS AND ORDERS

Reports of Judgements, Advisory Opinions and Orders, 1965. South West Africa Cases (Ethiopia *v.* South Africa; Liberia *v.* South Africa). Order of 18 March 1965. [1965]. [3-4], 2, 2 pp. Printed. Sales No. 293.

—. Case concerning the Barcelona Traction, Light and Power Company, Limited. (New Application: 1962) (Belgium *v.* Spain). Order of 11 June 1965. [1965], [6-7], 2, 2 pp. Printed. Sales No. 294.

—. South West Africa Cases (Ethiopia *v.* South Africa; Liberia *v.* South Africa). Order of 29 November 1965. [1965]. [9-10], 2, 2 pp. Printed. Sales No. 297.

Reports of Judgements, Advisory Opinions and Orders, 1965. [1966]. 10, 10 pp. Printed. Sales Nos. 293, 294 and 297. Bound volume containing all decisions rendered in 1965.

3. PLEADINGS, ORAL ARGUMENTS, DOCUMENTS

Pleadings, Oral Arguments, Documents, 1963. Case concerning the Northern Cameroons (Cameroon *v.* United Kingdom). [1965]. XIV, 489 pp. Printed. Sales No. 291.

B. Legal Documents Index of Inter-Governmental Organizations Related to the United Nations

I. INTERNATIONAL LABOUR ORGANISATION

(A) REPRESENTATIVE ORGANS

INTERNATIONAL LABOUR CONVENTIONS AND RECOMMENDATIONS ADOPTED IN 1965[70]

(*a*) *Convention and Recommendation concerning the minimum age for admission to employment underground in mines. Convention concerning medical examination of young persons for fitness for employment underground in mines. Recommendation concerning conditions of employment of young persons underground in mines*

(*i*) Tripartite technical meeting on mines other than coal mines, Geneva, 1957. Report I—General examination of the social problems arising in mines other than coal mines: Report prepared by the International Labour Office, Geneva, 1957, pp. 63-65, 84-87, 119-121, 149-150. English French, Spanish.

(*ii*) Tripartite technical meeting on mines other than coal mines. Note on the proceedings of the meeting (Geneva, 25 November—6 December 1957) (mimeographed), pp. 52-53. English, French, Spanish.

(*iii*) Agenda of the forty-eighth session (1964) of the International Labour Conference. Minutes of the 153rd session of the Governing Body, Geneva, November 1962, pp. 14-19, 67-70. English, French, Spanish.

---

[69] See also section I 1 (B) (6) above. For detailed information, see *Yearbook* of the International Court of Justice, 1964-1965 and 1965-1966.

[70] 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.

(*iv*) The employment of young persons in underground work in mines of all kinds. International Labour Conference, 48th session, Geneva, 1964, Report VII (1) and Report VII (2), 46 and 131 pp. English, French, Spanish, German, Russian.

(*v*) The employment of young persons in underground work in mines of all kinds. International Labour Conference, 48th session, Geneva, 1964, Record of proceedings, pp. 389-394, 421-426, 755-771. English, French, Spanish.

(*vi*) Agenda of the 49th session (1965) of the International Labour Conference. 48th session of the International Labour Conference, Geneva, 1964, Record of proceedings, pp. 439, 769, 818. English, French, Spanish.

(*vii*) The employment of young persons in underground work in mines of all kinds. International Labour Conference, 49th session, Geneva, 1965, Report IV (1) and Report IV (2), 50 and 57 pp. English, French, Spanish, German, Russian.

(*viii*) The employment of young persons in underground work in mines of all kinds. International Labour Conference, 49th session, Geneva, 1965, Record of proceedings, pp. 389-98, 416, 435, 616-37, 720-40. English, French, Spanish.

(*ix*) Convention concerning the minimum age for admission to employment underground in mines. *Official Bulletin*, vol. XLVIII, No. 3, July 1965, Supplement I, pp. 5-9. English, French, Spanish.

(*x*) Recommendation concerning the minimum age for admission to employment underground in mines. *Official Bulletin*, vol. XLVIII, No. 3, July 1965, Supplement I, pp. 9-11. English, French, Spanish.

(*xi*) Convention concerning medical examination of young persons for fitness for employment underground in mines. *Official Bulletin*, vol. XLVIII, No. 3, July 1965, Supplement I, pp. 11-15. English, French, Spanish.

(*xii*) Recommendation concerning conditions of employment of young persons underground in mines. *Official Bulletin*, vol. XLVIII, No. 3, July 1965, Supplement I, pp. 15-18. English, French, Spanish.

(*b*) *Recommendation concerning the employment of women with family responsibilities*

(*i*) Agenda of the 48th session (1964) of the International Labour Conference. Minutes of the 153rd session of the Governing Body, Geneva, November 1962, pp. 14-19, 72-73. English, French, Spanish.

(*ii*) Women workers in a changing world. International Labour Conference, 48th session, Geneva, 1964, Report VI (1) and Report VI (2), 133 and 144 pp. English, French, Spanish, German, Russian.

(*iii*) Women workers in a changing world. International Labour Conference, 48th session, Geneva, 1964, Record of proceedings, pp. 457-473, 739-754. English, French, Spanish.

(*iv*) Agenda of the 49th session (1965) of the International Labour Conference. 48th session of the International Labour Conference, Geneva, 1964, Record of proceedings, pp. 474, 754, 822. English, French, Spanish.

(*v*) The employment of women with family responsibilities. International Labour Conference, 49th session, Geneva, 1965, Report V (1) and Report V (2), 36 and 55 pp. English, French, Spanish.

(*vi*) The employment of women with family responsibilities. International Labour Conference, 49th session, Geneva, 1965, Record of proceedings, pp. 372-88, 404, 638-49, 712-720. English, French, Spanish.

(*vii*) Recommendation concerning the employment of women with family responsibilities. *Official Bulletin*, vol. XLVIII, No. 3, July 1965, Supplement I, pp. 1-5. English, French, Spanish, German, Russian.

(B) QUASI-JUDICIAL BODIES AND COMMITTEES OF EXPERTS

(1) Reports of the Governing Body Committee on Freedom of Association:

(*a*) 79th, 80th and 81st Reports, 12 November 1964, 23 February 1965, 23 February 1965. *Official Bulletin*, vol. XLVIII, No. 2, April 1965, Supplement, 75 pp. English, French, Spanish.

(*b*) 82nd, 83rd and 84th Reports, 23 February 1965, 26 May 1965, 26 May 1965. *Official Bulletin*, vol. XLVIII, No. 3, July 1965, Supplement II, 107 pp. English, French, Spanish.

(2) Report of the Committee of Experts on the Application of Conventions and Recommendations. International Labour Conference, 49th session, Geneva, 1965, Report III (Part IV), 289 pp. English, French, Spanish.

(3) Report of the Fact-Finding and Conciliation Commission on Freedom of Association concerning Persons Employed in the Public Sector in Japan. *Official Bulletin*, vol. XLIX, No. 1, January 1966, Special Supplement, 536 pp. English, French, Spanish.

II. FOOD AND AGRICULTURE ORGANIZATION OF THE UNITED NATIONS

(A) CONSTITUTIONAL QUESTIONS

Question	*Documents*
(1) Appointment and functions of Vice-Chairmen of the Council	CL 44/4, paragraphs 6 to 20; CL 44/REP.,[71] paragraphs 137 to 139 and resolution 4/44; CONF/REP.,[72] paragraphs 434 to 436 and resolution 15/65
(2) Procedures which could be applied in the event of urgent issues arising between Council sessions	CL 44/4, paragraphs 1 to 9; CL 44/REP., paragraphs 160 to 162; CONF/REP., paragraphs 431 to 433 and resolution 14/65

(B) BODIES ESTABLISHED UNDER ARTICLES V AND VI OF THE FAO CONSTITUTION

Body	*Documents*
(1) Committee on Fisheries[73]	CL 44/11 Rev.1; CL 44/LIM/5; CL 44/REP., paragraphs 44 to 49; CL 45/4; CL 45/REP.,[74] paragraphs 32 to 35; CONF/REP., paragraphs 403 to 410 and resolution 13/65
(2) Working Party for Rational Utilization of Tuna Resources in the Atlantic Ocean	C 65/53 Rev.1, Annex I (draft Convention for the conservation of Atlantic tunas) and Annex II (relationship between proposed Tuna Commission and FAO); CONF/REP., paragraph 262
(3) Desert Locust Control Committee and FAO Technical Advisory Committee on Desert Locust Control: Amendment to the terms of reference	CL 44/REP., paragraphs 140 to 144 and resolution 5/44
(4) Statistics Advisory Committee: Statutes	C 65/41, paragraphs 11 to 16 and Annex I; CONF/REP., paragraphs 458-459
(5) Near-East Plant Protection Commission: Rules of procedure	C 65/41, paragraphs 17 to 19 and Annex II; CONF/REP., paragraphs 460 to 462
(6) Committees, Working Parties and Panels of Experts	C 65/32; CONF/REP., paragraphs 418 to 430

[71] The symbol CL 44/REP. refers to the provisional Report of the forty-fourth session of the FAO Council (revised edition, September 1965).

[72] The symbol CONF/REP refers to the provisional Report of the thirteenth session of the FAO Conference.

[73] See p. 172 of this *Yearbook*.

[74] The symbol CL 45/REP. refers to the provisional Report of the forty-fifth session of the FAO Council.

(C) WORLD FOOD PROGRAMME

	Documents
(1) Future development of the Programme	CL 44/18; CL 44/REP., paragraphs 122 to 126 and resolution 3/44; CL 45/7 Rev.1; CL 45/REP., paragraphs 27 to 32; CONF/REP., paragraphs 105 to 119 and resolution 4/65
(2) Revision of General Regulations	WFP/IGC: 8/16 Annexes I and II; WFP/IGC: 8/27; CL 46/REP.,[75] paragraphs 22-23 and resolution 1/46

(D) SUBSTANTIVE LEGAL QUESTIONS

Question	*Documents*
(1) Land tenure and land reform	C 65/4;[76] CONF/REP., paragraph 46
(2) Organization of world commodity markets	CL 44/8-CCP 65/19, paragraphs 32 to 36; CL 44/REP., paragraphs 27, 34, 38 to 43; CL 45/6-CCP 65/28, paragraphs 22 to 26; CL 45/REP., paragraphs 20 to 26; CONF/REP., paragraphs 57 to 59, 62 to 80 and resolution 2/65
(3) Joint FAO/WHO Programme on Food Standards	Report of the third session of the Codex Alimentarius Commission; C 65/27; CONF/REP., paragraphs 341 to 343
(4) World census on agriculture and agricultural census fund	CL 44/14; CL 44/REP., paragraphs 69 to 73; C 65/16; C 65/LIM/44; C 65/LIM/44 Rev.1 (English only); CONF/REP., paragraphs 81 to 90 and resolution 3/65
(5) Control of plant pests and diseases (emergency fund)	C 65/LIM/27; CONF/REP., paragraph 238

(E) AGREEMENTS WITH GOVERNMENTS AND INTER-GOVERNMENTAL ORGANIZATIONS

Agreement	*Documents*
(1) Agreement for the co-ordination of FAO and Inter-American Development Bank Activities	CL 44/LIM/4; CL 44/LIM/4 Supp. 1; CL 44/REP., paragraphs 154 to 159 and resolution 8/44; text of agreement: C 65/40—Annex A—and C 65/40 Supp. 1 (English only)
(2) Amendments to the Agreement between FAO and the International Bank for Reconstruction and Development and the International Development Association	CL 44/LIM/3; CL 44/REP., paragraphs 213 to 221 and resolution 12/44
(3) Agreement with the Government of Kenya concerning the Establishment of a Sub-Regional Office for the East/South Zone of the African Region	CL 45/3; CL 45/REP., paragraphs 38 to 42 and resolution 1/45

(F) CONVENTIONS AND AGREEMENTS UNDER ARTICLES XIV AND XV OF THE FAO CONSTITUTION

Agreement	*Documents*
(1) Agreement for the Establishment of a General Fisheries Council for the Mediterranean (GFCM) Adoption of authentic Spanish text	C 65/39, paragraphs 20 to 23 and Annex A, CONF/REP, paragraphs 442-443 and resolution 17/65

[75] The symbol CL 46/REP. refers to the provisional Report of the forty-sixth session of the FAO Council.

[76] The State of Food and Agriculture 1965, pp. 168-177.

(2) Establishment of Desert Locust Control Organization for Eastern Africa (DLCO-EA) within the framework of FAO [77]	CL 44/13; CL 44/REP., paragraphs 149 to 153 and resolution 7/44
(3) Establishment of a Commission for Controlling the Desert Locust in the Near East [77]	CL 44/20; CL 44/20 Supp. 1; CL 44/REP., paragraphs 146 to 148 and resolution 6/44

(G) LEGISLATION AND COMPARATIVE STUDIES [78]

(1) *Periodicals*

(*a*) Quarterly "Food and Agricultural Legislation".

(*b*) Monthly Legislative Report (English; titles in French and Spanish).

(*c*) Current Food Additives Legislation Bulletin.

(2) *Other documents and publications*

(*a*) General food labelling provisions. *Joint FAO/WHO Program on Food Standards*, SP 10/82 (provisional issue), 64 pp., 1965.

(*b*) Notes sur la législation, l'administration et la planification des pêches, par J. E. Carroz et L. L. de Vasconcelos. Séminaire sur l'administration et la planification du développement des pêches (Abidjan, Côte-d'Ivoire, 1965), FRSS/WP-27, 34 pp., 1965 (français seulement).

(*c*) Establishment, structure, functions and activities of international fisheries bodies—I. Indo-Pacific Fisheries Council (IPFC), by J. E. Carroz. *FAO Fisheries Technical Paper No. 57*, FIb/T57, 35 pp., 1965 (English only).

(*d*) Establishment, structure, functions and activities of international fisheries bodies—II. Inter-American Tropical Tuna Commission (IATTC), by J. E. Carroz. *FAO Fisheries Technical Paper No. 58*, FIb/T58, 30 pp., 1965 (English only).

(*e*) Forest reservation policies and rights of usage in Africa.

(*f*) *Inter-Governmental Conference on Timber Trends and Prospects in Africa* (Nairobi, Kenya, 1965), FAO/Afr. Timber Tr. Conf.—65/7, 12 pp., 1965.

(*g*) Wildlife policy and legislation in Africa.

(*h*) *African Forestry Commission—Ad Hoc Working Party on Wildlife Management* (Kampala, Uganda, September 1965), FAO/AFC/WPWM—65/2, 38 pp. +27 pp. Annex.

(*i*) Examination of the London Convention relative to the preservation of fauna and flora in their natural state (1933) and of the proposals for amendments made by the Bukavu Conference (1953)—Draft African Convention for the conservation of wildlife through controlled use.

(*j*) *African Forestry Commission—Ad hoc Working Party on Wildlife Management* (Kampala, Uganda, September 1965), FAO/AFC/WPWM-65/3, 14 pp.

(*k*) Preliminary Draft African Convention for the conservation and management of wildlife, 16 pp., 1965.

III. UNITED NATIONS EDUCATIONAL, SCIENTIFIC AND CULTURAL ORGANIZATION

(A) CONSTITUTIONAL AND PROCEDURAL QUESTIONS

(1) "Ad Hoc Committee on the Methods of Work of the Organization. First report". *Document 71 EX/12*, 16 September 1965, 15 pp. English, French, Russian, Spanish.

(2) "Ad Hoc Committee on the Methods of Work of the Organization. Interim report". 71 EX/*Decision 5.1*, September-October 1965. English, French, Russian, Spanish.

(3) "Amendments to the Rules of procedure of the Executive Board" (Quorum). *70 EX/Decision* 15, April-May 1965. English, French, Russian, Spanish.

---

[77] Agreement not yet in force as of 31 December 1965.

[78] Prepared by, or in co-operation with, the Legislation Research Branch, FAO.

(4) "Amendments to the Regulations on the utilization of the premises and installations of the Conference Building and of the offices of Permanent Delegations". *Document 70 EX/24*, 12 March 1965, 4 pp. English, French, Russian, Spanish.

(5) "Amendments to the Regulations on the utilization of the premises and installations of the Conference Building and of the offices of Permanent Delegations". *70 EX/Decision 11.4*, April-May 1965. English, French, Russian, Spanish.

(B) MEMBER STATES

(1) "Communication from the Indonesian Government concerning the withdrawal of Indonesia". *Document 70 EX/28*, 5 April 1965, 10 pp. English, French, Russian, Spanish.

(2) "Communication from the Indonesian Government concerning the withdrawal of Indonesia". *70 EX/Decision 4*, April-May 1965. English, French, Russian, Spanish.

(3) "Consideration of the consequences of the admission of Portugal to UNESCO". *70 EX/Decision 14*, April-May 1965. English, French, Russian, Spanish.

(4) "Report on the implementation of Decision 70 EX/14 concerning Portugal", *Document 71 EX/14*, 30 August 1965, 11 pp. English, French, Russian, Spanish.

(5) "Report on the implementation of Decision 70 EX/14 concerning Portugal. Communication from the Portuguese Government to the Director-General dated 30 June 1965". *71 EX/Decisions 5.3 and 5.4*, September-October 1965. English, French, Russian, Spanish.

(C) AGREEMENTS WITH OTHER ORGANIZATIONS

(1) "Draft Agreement between the Istituto Nazionale di Fisica Nucleare (INFN), the International Atomic Energy Agency (IAEA) and the United Nations Educational, Scientific and Cultural Organization (UNESCO) concerning training in the field of theoretical physics". *Document 70 EX/9*, 19 March 1965, 7 pp. English, French, Russian, Spanish.

(2) "Draft Agreement between the Istituto Nazionale di Fisica Nucleare (INFN) in Trieste, the International Atomic Energy Agency (IAEA) and UNESCO concerning training in the field of theoretical physics". *70 EX/Decision 5.3.2.*, April-May 1965. English, French, Russian, Spanish.

(D) CONVENTIONS, RECOMMENDATIONS AND DECLARATIONS

(1) "Submission by Member States of periodic reports on the implementation of the Convention and Recommendation against Discrimination in Education". *Document 70 EX/2*, 5 April 1965, 30 pp. English, French, Russian, Spanish.

(2) "Plan for the submission by Member States of periodic reports on the implementation of the Convention and Recommendation against Discrimination in Education". *70 EX/Decision 5.21*, April-May 1965. English, French, Russian, Spanish.

(3) "Establishment of a Special Committee to examine the reports of Member States on the implementation of the Convention and Recommendation against Discrimination in Education". *Documents 71 EX/2 and Add.*, 10 August 1965, 3 pp. English, French, Russian, Spanish.

(4) "Periodic reports on the implementation of the Convention and Recommendation against Discrimination in Education: Establishment of a Special Committee". *71 EX/Decision 3.2.*, September-November 1965. English, French, Russian, Spanish.

(5) "Establishment of a Special Committee to examine the periodic reports of Member States on the implementation of the Convention and Recommendation against Discrimination in Education. Report of the Special Committee". *Document 71 EX/COM. DIS. 2.*, 10 November 1965, 3 pp. English, French, Russian, Spanish.

(6) "Special Committee to examine the periodic reports of Member States on the implementation of the Convention and Recommendation against Discrimination in Education". *Document 71 EX EX/COM. DIS. 1.*, 19 October 1965, 3 pp. English, French, Russian, Spanish.

(7) "Preparation of one or more international recommendations concerning the professional, social and economic status of teachers". *Documents 70 EX EX/3 and Add.*, 26 March 1965, 4 pp. English, French, Russian, Spanish.

(8) "Preparation of one or more international recommendations concerning the professional, social and economic status of teachers". *70 EX/Decision 5.2.2.*, April-May 1965. English, French, Russian, Spanish.

(9) "Comparability and equivalence of matriculation certificates, diplomas and degrees. A preliminary study of the technical and legal aspects of the question". *Document 71 EX/3.*, 3 September 1965, 11 pp. English, French, Russian, Spanish.

(10) "Comparability and equivalence of matriculation certificates and higher education diplomas and degrees: Preliminary study on the technical and legal aspects". *71 EX/Decision 3.3.*, September-November 1965. English, French, Russian, Spanish.

(11) "Solemn Declaration on the Principles of International Cultural Co-operation". *Document 70 EX/11*, 12 March 1965, 5 pp. English, French, Russian, Spanish.

(12) "Solemn Declaration on the Principles of International Cultural Co-operation". *70 EX/Decision 5.4.1.*, April-May 1965. English, French, Russian, Spanish.

(E) COMMITTEES AND OTHER BODIES

(1) "Advisory Committee on the Planning and Rational Organization of Peace. Memorandum submitted for consideration to the UNESCO Executive Board by Paulo E. de Berrêdo Carneiro". *Document 70 EX/17*, 25 March 1965, 2 pp. English, French, Russian, Spanish.

(2) "Advisory Committee on the Planning and Rational Organization of Peace". *70 EX/Decision 9*, April-May 1965. English, French, Russian, Spanish.

(3) "Report on the implementation of 70 EX/Decision 9 regarding the proposal to establish an Advisory Committee on the Planning and Rational Organization of Peace". *Document 71 EX/13*, 2 pp. English, French, Russian, Spanish.

(4) "Report on the implementation of 70 EX/Decision 9 regarding the proposal to establish an Advisory Committee on the Planning and Rational Organization of Peace". *71 EX/ Decision 5.2.*, September-October 1966. English, French, Russian, Spanish.

(5) "Draft Statutes of the Advisory Committee on Natural Resources Research". *Document 70 EX/8*, 25 March 1965, 3 pp. English, French, Russian, Spanish.

(6) "Draft Statutes of the Advisory Committee on Natural Resources Research". *70 EX/Decision 5.3.1.*, April-May 1965. English, French, Russian, Spanish.

IV. INTERNATIONAL CIVIL AVIATION ORGANIZATION

(1) *Membership of South Africa—Proposal for amending the Convention on International Civil Aviation*

[The question of South Africa's continued membership in ICAO was added to the agenda of the fifteenth session of the Assembly and the Executive Committee recommended that a new Article 93 *ter* be added to the Convention so as to permit the Assembly to suspend or exclude from membership in the Organization any Contracting State whose Government violates the principles laid down in the preamble to the Convention and practices a policy of apartheid and racial discrimination. This recommendation failed to receive approval by a two-thirds vote of the Assembly.]

A15-WP/151, EX/28, 3/7/65, English, French, Spanish—Agenda item 5: Adoption of the agenda. The question of South Africa's continued membership in ICAO (Presented by the African Delegations) (1 p.).

A15-WP/183, EX/35, 8/7/65, English, French, Spanish—Agenda item 41: The question of South Africa's continued membership in ICAO.—Draft resolution (Presented by 31 African Delegations) (3 pp.).

A15-WP/188, EX/37—Item 5, 8/7/65, English, French, Spanish—Agenda item 9: Reports by Commissions and Committees of the Assembly and action thereon. Draft text for the report of the Executive Committee on agenda item 5 (3 pp.).

A15-WP/198, EX/38—Item 41, 10/7/65, English, French, Spanish—Agenda item 9: Reports by Commissions and Committees of the Assembly and action thereon. Draft text for the report of the Executive Committee on agenda item 41 (6 pp.).

A15-WP/213 Min. EX/1-13—Assembly, fifteenth session, Minutes of the Executive Committee. English, French, Spanish, 7th mtg., pp. 55-68 (paras. 12-47); 10th mtg., pp. 82-97 (paras. 6-32); 11th mtg., pp. 99-107 (paras. 1-27); 12th mtg., pp. 110-111 (paras. 5-13).

A15-WP/212, P/43—Agenda item No. 41, 12/7/65, English, French, Spanish—Report of the Executive Committee on agenda item 41 (6 pp.).

Doc 8522 A15-EX/43—Report of the Executive Committee, fifteenth session of the Assembly, English, French, Spanish, pp. 3-5, 27-31 (paras. 9-11, 60-67).

Doc 8516 A15-P/5—Assembly, fifteenth session, Minutes of the plenary meetings, English, French, Spanish, 10th mtg., pp. 137-142 (paras. 42-59), pp. 145-171.

(2) *Condemnation of the policies of apartheid and racial discrimination of South Africa*

[The Assembly, at its fifteenth session, adopted a resolution (A15-7) condemning the apartheid policies of South Africa, requesting all nations to exert pressure on that country to abandon those policies and urging South Africa to comply with the aims and objectives of the Chicago Convention.]

A15-WP/239 P/55—Agenda item 41, 14/7/65, English, French, Spanish—Resolution condemning the policies of apartheid and racial discrimination of South Africa. (Submitted by the Delegation of Guinea on behalf of thirty-one African States) (1 p.).

Doc 8516 A15-P/5—Assembly, fifteenth session, Minutes of the plenary meetings. English, French, Spanish, 10th mtg., pp. 142-143 (paras. 60-61); 12th mtg., pp. 185-192 (paras. 2-28).

Doc 8528 A15-P/6—Assembly, fifteenth session, resolutions adopted by the Assembly. English, French, Spanish, p. 29.

(3) *Membership of the Romanian People's Republic in ICAO*

[The Assembly, at its fifteenth session, was informed that, according to a communication from the United States of America, the Romanian People's Republic had, on 30 April 1965, adhered to the Convention on International Civil Aviation in accordance with Article 92 of that Convention. The Assembly was also informed that the waiting period of thirty days provided for in that Article had lapsed. There being no discussion, a Romanian Delegation was seated at the Assembly.]

A15-WP/112, EX/18, 29/6/65, English, French, Spanish—Membership of Romania in ICAO (5 pp.).

A15-WP/213 Min. EX/1-13—Assembly, fifteenth session, Minutes of the Executive Committee. English, French, Spanish, 6th mtg., p. 49 (para. 1).

A15-WP/177, P/32, 7/7/65, English, French, Spanish—Report of the Executive Committee on membership of Romania in ICAO (2 pp.).

Doc 8522 A15-EX/43. Report of the Executive Committee, fifteenth session of the Assembly. English, French, Spanish, pp. 2-3 (paras. 6-7).

Doc 8516 A15-P/5—Assembly, fifteenth session, Minutes of plenary meetings. English, French, Spanish, 8th mtg., p. 119 (para. 1).

(4) *Trilingual text of the Convention on International Civil Aviation*

[A Working Group of the Council having prepared the French and Spanish versions of the text of the Convention on International Civil Aviation signed in English at Chicago on 7 December 1944, the Council decided to transmit them for submission of comments to Contracting States together with a draft protocol to which the proposed trilingual text of the Convention would be attached. The Assembly, at its fifteenth session, was so informed.]

C-WP/4024, 11/6/64, 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 (2 pp.).

C-WP/4031, 25/6/64, 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. Second report (13 pp.).

C-WP/4229, 26/5/65, 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. Third report (40 pp.).

Doc 8514-4, C/958-4, 24/8/65, English—Council, fifty-fifth session, Minutes of the fourth meeting, 7 June 1965, pp. 56, 66-70 (paras. 11, 73-91).

Doc 8514-6, C/958-6, 10/9/65, English—Council, fifty-fifth session, Minutes of the sixth meeting, 11 June 1965, pp. 96, 105-107 (paras. 13, 54-65).

Doc 8514-7, C/958-7, 21/7/65, English—Council, fifty-fifth session, Minutes of the seventh meeting, 11 June 1965, pp. 110, 112-119 (paras. 1-2, 4-59).

Doc 8538-C/961—Action of the Council, fifty-fifth session, Montreal, 31 May-14 June 1965, English, French, Spanish, p. 19.

C-WP/4146, 2/2/65, English, French, Spanish—Subject No. 24.2: Assembly agenda and documentation. Assembly agenda item No. 16: Trilingual text of the Chicago Convention (1+2 pp.).

Doc 8489-4, C/956-4, 27/4/65, English—Council, fifty-fourth session, Minutes of the fourth meeting, 8 March 1965, pp. 36, 45-46 (paras. 6, 61-64).

Doc 8537-C/960—Action of the Council, fifty-fourth session, Montreal, 29 January-15 April 1965, English, French, Spanish, p. 29.

A15-WP/19, EX/2, 10/3/65, English, French, Spanish—Agenda item No. 16: Trilingual text of the Chicago Convention (2 pp.).

A15-WP/19, EX/2, 10/3/65, ADDENDUM, 14/6/65, English, French-Spanish—Agenda item 16: Trilingual text of the Chicago Convention (1 p.).

Doc 8522 A15-EX/43—Report of the Executive Committee, fifteenth session of the Assembly, English, French, Spanish, p. 26 (paras. 57-59).

A15-WP/213 Min. EX/1-13—Assembly, fifteenth session, Minutes of Executive Committee. English, French, Spanish, 3rd mtg., pp. 16-17 (paras. 10-13).

A15-WP/118 P/15—Items 7 and 16, 30/6/65, English, French, Spanish—Report of the Executive Committee on agenda items 7 and 16 (3 pp.), 2 Addenda (7 pp.).

Doc 8516 A15-P/5—Assembly, fifteenth session, Minutes of the plenary meetings. English, French, Spanish, 8th mtg., p. 120 (paras. 4-5).

(5) *Preparation of a Repertory of Practice of the Assembly, the Council and other organs in relation to the Convention on International Civil Aviation*

[During its fifteenth session, the Assembly noted, with approval, the report of the Council that it had decided that the Secretariat should prepare a Repertory Guide in lieu of a full Repertory of Practice, the work to be done within the existing resources of the Organization and the project to be completed, to the extent possible, by the 1968 Assembly.]

C-WP/4145, 2/2/65, English, French, Spanish—Subject No. 24.2: Assembly agenda and documentation. Assembly agenda item No. 33: Proposed Repertory of Practice of the Assembly, the Council and other organs in relation to the Convention on International Civil Aviation (1+3 pp.).

Doc 8489-4, C/956-4, 27/4/65, English—Council, fifty-fourth session, Minutes of the fourth meeting, 8 March 1965, pp. 36, 44-45 (paras. 5, 50-60).

Doc 8537-C/960—Action of the Council, fifty-fourth session, Montreal, 29 January-15 April 1965, English, French, Spanish, p. 29.

A15-WP/22, LE/3, 10/3/65, English, French, Spanish—Agenda item No. 33: Proposed Repertory of Practice of the Assembly, the Council and other organs in relation to the Convention on International Civil Aviation (2 pp.).

A15-WP/22, LE/3, 10/3/65, ADDENDUM, 23/6/65, English, French, Spanish—Agenda item No. 33: Proposed Repertory of Practice of the Assembly, the Council and other organs in relation to the Convention on International Civil Aviation (10 pp.).

Doc 8517 A15-LE/10/English, French, Spanish—Assembly, fifteenth session, Report and Minutes of the Legal Commission, pp. 11, 18, 54.

A15-WP/131, P/21—Items 7, 31, 32, 32.1 and 33, 2/7/65, English, French, Spanish—Report of the Legal Commission on agenda items 7, 31, 32, 32.1 and 33 (12 pp.).

Doc 8516, A15-P/5—Assembly, fifteenth session, Minutes of the plenary meetings, English, French, Spanish, 9th mtg., pp. 125, 128 (paras. 11, 13, 26).

(6) *Communications from the Governments of India and Pakistan regarding compliance with the Convention on International Civil Aviation and with the International Air Services Transit Agreement*

[On 30 September 1965, the Council noted the communications received from the Governments of India and Pakistan indicating that an emergency had been declared and that they might therefore be unable to comply with any or all of the provisions of the Convention and the International Air Services Transit Agreement. Copies of these communications were sent to all Contracting States and the Governments of India and Pakistan were requested to notify the Council when the emergency terminated.]

C-WP/4264, 10/9/65, English, French, Spanish—Subject No. 15: Subjects relating to air transport. Subject No. 27: Chicago Convention. Communication from the Government of Pakistan regarding compliance with the Chicago Convention and with the International Air Services Transit Agreement (4 pp.).

C-WP/4276, 20/9/65, English, French, Spanish—Subject No. 15: Subjects relating to air transport. Subject No. 27: Chicago Convention. Communication from the Government of India regarding compliance with the Chicago Convention and with the International Air Services Transit Agreement (4 pp.).

Doc 8536-3 (Closed), C/959-3 (Closed), 8/11/65, English—Council, fifty-sixth session, Minutes of the third meeting, 30 September 1965, pp. 31-33 (paras. 1-5).

Doc 8568 C/962—Action of the Council, fifty-sixth session, Montreal, 20 July-13 December 1965, English-French, Spanish, p. 24.

(7) *Organization and working methods of the Legal Committee*

[The Council made available to the fifteenth session of the Assembly the report of the Council Working Group established to examine the organization and working methods of the Legal Committee. The Legal Commission of the Assembly recommended that there be continuity of participation of delegates in the work of the Committee and noted that in some countries national groups or teams of lawyers were established for consideration of items on the agenda of the Committee. The Legal Commission also recommended a change in the procedure for the election of officers of the Legal Committee and took decisions on the principles to be followed in the preparation of draft conventions, the assessment by subcommittees of the extent of agreement in regard to a draft convention, informal consultations among the members of the Legal Committee, roles of the Chairman and the Legal Bureau, and the relationship between the Council and the Legal Committee.]

C-WP/4160, 24/2/65, English, French, Spanish—Subject No. 33: Character and working methods of representative bodies in ICAO (Council, Committees, etc.). Report of the Working Group on Organization and Working Methods of the Legal Committee (11 pp.).

Doc 8489-11, C/956-11, 16/6/65, English—Council, fifty-fourth session Minutes of the eleventh meeting, 24 March 1965, pp. 138-148 (paras. 1-45).

Doc 8537-C/960—Action of the Council, fifty-fourth session, Montreal, 29 January-15 April 1965, English, French, Spanish, pp. 31-32.

C-SP/4197, 31/3/65, English, French, Spanish—Subject No. 24.2: Assembly agenda and documentation. Organization and working methods of the Legal Committee (21 pp.).

Doc 8489-15, C/956-15, 22/6/65, English—Council, fifty-fourth session, Minutes of the fifteenth meeting, 7 April 1965, pp. 198, 203-206 (paras. 4, 27-57).

Doc 8537-C/960—Action of the Council, fifty-fourth session, Montreal, 29 January-15 April 1965, English, French, Spanish, p. 29.

A15-WP/23, LE/4, 23/4/65, English, French, Spanish—Agenda item No. 32.1: Organization and working methods of the Legal Committee (1+11 pp.).

A15-WP/117, LE/9—Item 32.1, 1/7/65, English, French, Spanish—Draft text for the report on agenda item 32.1 (6 pp.).

Doc 8517 A15-LE/10—Assembly, fifteenth session, Report and Minutes of the Legal Commission, pp. 8-11, 32-53, 55-59.

A15-WP/131, P/21—Items 7, 31, 32, 32.1 and 33, 2/7/65, English, French, Spanish—Report of the Legal Commission on agenda items 7, 31, 32, 32.1 and 33 (12 pp.).

Doc 8516, A15-P/5—Assembly, fifteenth session, Minutes of the plenary meetings, English, French, Spanish, 9th mtg., pp. 125, 128 (paras. 11, 13, 25-26).

(8) *General review of the legal work of ICAO*

[During its fifteenth session, the Assembly made a general review of the legal work of ICAO on the basis of documentation submitted to it by the Council.]

C-WP/4054, 11/9/64, English, French, Spanish—Subject No. 24.2: Assembly agenda and documentation—General review of the legal work of the Organization (1+5 pp.).

Doc 8446-9, C/954-9, 20/1/65, English—Council, fifty-third session, Minutes of the ninth meeting, 10 November 1964, pp. 126, 132 (paras. 2, 27-31).

Doc 8470-C/955—Action of the Council, fifty-third session, Montreal, 14 September-18 December 1964, p. 30.

A15-WP/20, LE/1, 27/1/65, English, French, Spanish—Agenda item No. 31: General review of the legal work of the Organization (5 pp.).

A15-WP/109, LE/8, 29/6/65, English, French, Spanish—Draft report of the Legal Commission on agenda items 7, 31, 32 and 33 (6 pp.), addendum (1 p.).

Doc 8517, A15-LE/10—Assembly, fifteenth session, Report and minutes of the Legal Commission, pp. 4, 18, 54.

A15-WP/131, P/21—Items 7, 31, 32, 32.1 and 33, 2/7/65, English, French, Spanish—Report of the Legal Commission on agenda items 7, 31, 32, 32.1 and 33 (12 pp.).

Doc 8516, A15-P/5—Assembly, fifteenth session, Minutes of plenary meetings, English, French, Spanish, 9th mtg., pp. 125, 128 (paras. 11, 13, 26).

(9) *Programme of future work of ICAO in the legal field*

[During its fifteenth session, the Assembly took decisions on the programme of future work of ICAO in the legal field after considering documentation on this matter submitted to it by the Council. Later in the year, the Council itself made certain changes in the work programme of the Legal Committee.]

C-WP/4081 19/10/64, English, French, Spanish—Subject No. 24.2: Assembly agenda and documentation—Programme of future work of the Organization in the legal field (1+9 pp.); Addendum No. 1, 8/4/65, English, French, Spanish (1 p.); Addendum No. 2, 8/4/65, English, French, Spanish (3 pp.).

Doc 4446-10, C/954-10, 22/1/64, English—Council, fifty-third session, Minutes of the tenth meeting, 25 November 1965, pp. 144, 153-154 (paras. 5, 40-48).

Doc 8470-C/955—Action of the Council, fifty-third session, Montreal, 14 September-18 December 1964, p. 30.

A15-WP/21, LE/2, 26/4/65, English, French, Spanish—Agenda item No. 32.: Programme of future work of the Organization in the legal field (9 pp.).

A15-WP/90, LE/6, 26/6/65, English, French, Spanish—Agenda item No. 32: Programme of future work of the Organization in the legal field. Presented by the Delegations of India and Canada (2 pp.).

A15-WP/109, LE/8, 29/6/65, English, French, Spanish—Draft report of the Legal Commission on agenda items 7, 31, 32 and 33 (6 pp.), addendum (1 p.).

Doc 8517 A15-LE/10—Assembly, fifteenth session, Report and minutes of the Legal Commission, pp. 4-8, 18-32, 54.

A15-WP/131, P/21—Items 7, 31, 32, 32.1 and 33, 2/7/65, English, French, Spanish—Report of the Legal Commission on agenda items 7, 31, 32, 32.1 and 33 (12 pp.).

Doc 8516, A15-P/5—Assembly, fifteenth session, Minutes of the plenary meetings, English, French, Spanish, 9th meeting, pp. 125-128 (paras. 11-26).

C-WP/4263, 1/9/65, English, French, Spanish—Subject No. 15.11.1: Problems of registration under Article 77 of the Chicago Convention—Nationality and registration of aircraft operated by international agencies (4 pp.).

C-WP/4302, 2/11/65, English, French, Spanish—Subject No. 12.5: Plans for legal meetings —Legal meetings in 1966 (3 pp.).

Doc 8536-10, C/959-10, 9/12/65, English—Council, fifty-sixth session, Minutes of the tenth meeting, 22 November 1965, pp. 166, 168-171 (paras. 2-3, 11-26).

Doc 8568 C/962—Action of the Council, fifty-sixth session, Montreal, 20 July-13 December 1965, English, French, Spanish, p. 27.

(10) *Limits of liability under the Convention for the Unification of Certain Rules Relating to International Carriage by Air signed at Warsaw on 12 October 1929 and the Protocol to Amend the Warsaw Convention signed at The Hague on 28 September 1955*

[In October 1965, the ICAO Council was informed by the International Air Transport Association that re-examination of the limits of liability under the Warsaw Convention as amended by the Hague Protocol was "urgently needed". It was also informed that the United States of America had decided to denounce the Warsaw Convention on 15 November 1965 unless before that date a provisional arrangement was made among the principal air carriers operating to or from that country to raise the limit per passenger to $75,000 U.S. Accordingly, the Council decided to convene a Special ICAO Meeting to consider the Warsaw/Hague limits and this took place in Montreal between 1 and 15 February 1966.]

Doc 8536-3, C/959-3, 8/11/65, English—Council, fifty-sixth session, Minutes of the third meeting, 30 September 1965, pp. 42, 52-53 (paras. 16, 71-73).

Doc 8536-4 (Closed), C/959-4 (Closed), 19/11/65, English—Council, fifty-sixth session, Minutes of the fourth meeting, 26 October 1965, pp. 60-77 (paras. 1-42).

C-WP/4282, 1/10/65, English, French, Spanish—Subject No. 16: Legal work of the Organization; Subject No. 12.5: Plans for legal meetings. Study of the possible revision of the limits of liability specified in the Warsaw Convention of 1929 as amended by the Hague Protocol of 1955 (13 pp.). Discussion papers Nos. 1 and 2, 27/10/65, English, French, Spanish (2 pp.).

Doc 8536-5 (Closed), C/959-5 (Closed), 22/11/65, English—Council, fifty-sixth session, Minutes of the fifth meeting, 27 October 1965, pp. 79-92 (paras. 1-74).

Doc 8536-6 (Closed), C/959-6 (Closed), 22/11/65, English—Council, fifty-sixth session, Minutes of the sixth meeting, 28 October 1965, pp. 94-105 (paras. 1-47).

C-WP/4311, 5/11/65, English, French, Spanish—Subject No. 16: Legal work of the Organization. Rules of procedure of the Special ICAO meeting on Limits of Liability for Passengers under the Warsaw Convention and the Hague Protocol (1+6 pp.).

Doc 8536-7, C/959-5, 30/11/65, English—Council, fifty-sixth session, Minutes of the seventh meeting, 15 November 1965, pp. 111, 125 (paras. 11, 71-75).

Doc 8568 C/962—Action of the Council, fifty-sixth session, Montreal, 20 July-13 December 1965, English, French, Spanish, p. 10.

(11) *Proposed revision of the Convention on Damage Caused by Foreign Aircraft to Third Parties on the Surface (Rome, 7 October 1952)*

[The Subcommittee on the Rome Convention on Damage Caused by Foreign Aircraft to Third Parties on the Surface met in March 1965 and examined information received from States in reply to a questionnaire relating to non-ratification of the Convention and inviting suggestions as to the nature and general intent of any amendments States might wish to have considered. The Subcommittee concluded that it would be premature to make a recommendation on whether or how the Convention should be revised. A further meeting of the Subcommittee was scheduled to be held in March-April 1966.]

LC/SC/Rev. Rome No. 9, 30/3/65, English, French, Spanish—Subcommittee on the Rome Convention (1965). Report (7 pp.).

(12) *Liability of air traffic control agencies*

[The Subcommittee on the Liability of Air Traffic Control Agencies held its second meeting in April 1965. The Subcommittee did not prepare a draft convention on the subject under consideration but attempted to formulate the principles that should be embodied in such a convention. In the process, it considered such questions as the scope of the convention, the system of liability, limi-

tation of liability, problems related to direct and recourse actions and apportionment of liability, parties liable and security, parties entitled to bring actions, defences and jurisdictions.]

LC/SC/LATC No. 32, 14/4/65, English, French, Spanish—Subcommittee on the Liability of Air Traffic Control Agencies (Montreal, April 1965). Report (29 pp.).

(13) *Problems of nationality and registration of aircraft operated by international agencies*

[The Subcommittee on Problems of Nationality and Registration of Aircraft Operated by International Agencies held its first meeting in July 1965. Article 77 of the Chicago Convention provides that the Council "shall determine in what manner the provisions of this Convention relating to nationality of aircraft shall apply to aircraft operated by international operating agencies". The Subcommittee decided unanimously that such a determination would be binding on all Contracting States if made within the scope of the authority given to the Council by Article 77, that the provisions of the Chicago Convention relating to nationality of aircraft include not only Articles 17 to 21 which appear in Chapter III entitled "Nationality of Aircraft" but generally all articles of the Convention which either expressly refer to nationality of aircraft or imply it, and that the aircraft of an international operating agency would not be State aircraft within the meaning of Article 3 of the Chicago Convention. One of the majority views of the Subcommittee was that the provisions of the Convention —without it being necessary to amend them—are not an obstacle to the principle of joint international registration. The next meeting of the Subcommittee is scheduled to be held early in 1967.]

LC/SC Article 77/Report, 24/7/65, English, French, Spanish—Subcommittee on Problems of Nationality and Registration of Aircraft Operated by International Agencies (1965). Report of the state of the work of the Subcommittee at the end of its first session (13 pp.).

(14) *Rules of procedure of the Air Navigation Commission*

[On 15 November 1965, the Council approved an amendment to the Rules of procedure of the Air Navigation Commission (Doc 8229-AN/876) which made it clear that all Contracting States wishing to participate in the Commission had the right to do so by appointing a person other than a Commissioner, the person so appointed having the status of an Observer.]

C-WP/4293, 15/10/65, English, French, Spanish—Subject No. 41: Rules of procedure of the various representative bodies in ICAO. Amendments to the Rules of procedure of the Air Navigation Commission (3 pp.).

Doc 8536-7, C/959-7, 30/11/65, English—Council, fifty-sixth session, Minutes of the seventh meeting, 15 November 1965, pp. 111-112, 125-126 (paras. 12, 76-78).

Doc 8568 C/962—Action of the Council, fifty-sixth session, Montreal, 20 July-13 December 1965, English, French, Spanish, p. 37.

(15) *Privileges, immunities and facilities*

(*a*) *Agreement with the Government of Thailand on Privileges and Immunities for the Far East and Pacific Office*[79]

[The Agreement between the Government of the Kingdom of Thailand and the International Civil Aviation Organization regarding the Far East and Pacific Office of the Organization was signed for the Government of the Kingdom of Thailand on 18 October 1965 and for ICAO on 22 September 1965. Pursuant to an exchange of notes, the Agreement entered into force on 24 November 1965.]

C-WP/4164, 25/2/65, English —Subject No. 25.3: Privileges and immunities granted or to be granted to regional offices. Agreement with the Government of Thailand on Privileges and Immunities (15 pp.).

Doc 8489-10, C/956-10, 16/6/65, English—Council, fifty-fourth session, Minutes of the tenth meeting, 22 March 1965, pp. 125, 135-136 (paras. 3, 41-48).

Doc 8489-16, C/956-11, 13/8/65, English—Council, fifty-fourth session, Minutes of the sixteenth meeting, 9 April 1965, pp. 211, 213-215 (paras. 1, 7-28).

Doc 8537-C/960—Action of the Council, fifty-fourth session, Montreal, 29 January-15 April 1965, English, French, Spanish, p. 31.

[79] Text reproduced in this *Yearbook*, p. 46.

(*b*) *Agreement with the Government of Senegal on Privileges and Immunities*

[The Agreement with the Government of Senegal on Facilities, Immunities and Privileges for the ICAO African Regional Office at Dakar remained unratified during the year and the Government of Senegal suggested certain changes to it. On 3 December, the Council decided that the discussions with the Government already in progress should be continued.]

C-WP/4322, 23/11/65, English, French, Spanish—Subject No. 7: Organization and personnel. Subject No. 25.3: Privileges and immunities granted or to be granted to regional offices. Subject No. 32.3: Premises for the Regional Office for Africa. Agreement with the Government of Senegal on Privileges and Immunities (3 pp.).

Doc 8536-14 (Closed), C/959-14 (Closed), 15/12/65, English—Council, fifty-sixth session, Minutes of the fourteenth meeting, 3 December 1965, pp. 247-258 (paras. 1-40).

Doc 8568 C/962—Action of the Council, fifty-sixth session, Montreal, 20 July-13 December 1965, English, French, Spanish, p. 36.

(16) *Amendment to the Rules for the Registration with ICAO of Aeronautical Agreements and Arrangements (Doc 6685 C/767)*

[On 9 November 1964, the Council decided that the Organization should make available, on payment of the cost of reproducing them, copies of arbitral decisions it receives concerning aeronautical agreements, and to make it clear that the same rule was applicable to copies of agreements and arrangements registered with ICAO under Article 83 of the Convention; and on 22 November 1965, the Council decided to amend accordingly the Rules for the Registration with ICAO of Aeronautical Agreements and Arrangements (Doc 6685 C/767).]

C-WP/4262, 23/8/65, English, French, Spanish—Subject No. 16.2: Registration of agreements and arrangements. Arbitral decisions or advisory opinions on aeronautical agreements or arrangements (2 pp.).

Doc 8536-10, C/959-10, 9/12/65, English—Council, fifty-sixth session, Minutes of the tenth meeting, pp. 165-166, 168 (paras. 1, 8-9).

Doc 8568 C/962—Action of the Council, fifty-sixth session, Montreal, 20 July-13 December 1965, English, French, Spanish, pp. 27-28.

(17) *Classification and compilation of Assembly resolutions still in force*

[The Assembly, at its fifteenth session, adopted resolution A15-2 requesting the Council to study and submit to the sixteenth session a new text classifying and consolidating the resolutions in force including those of the fifteenth session.]

A15-WP/174, EX/33, 7/7/65, English, French, Spanish—Agenda item 7: Annual reports of the Council to the Assembly (Presented by the Delegation of Colombia) (1 p.).

A15-WP/213 Min. EX/1-13—Assembly, fifteenth session, Minutes of the Executive Committee. English, French, Spanish, 12th mtg., pp. 111-112 (paras. 14-19).

Doc 8522 A15-EX/43—Report of the Executive Committee, fifteenth session of the Assembly. English, French, Spanish, p. 10 (para. 20).

A15-WP/118, P/15—Item 7, 14/7/65, ADDENDUM No. 2, English, French, Spanish—Report of the Executive Committee on agenda item 7 (3 pp.).

Doc 8516 A15-P/5—Assembly, fifteenth session, Minutes of the plenary meetings, English, French, Spanish, 11th mtg., p. 176 (para. 16).

Doc 8528 A15-P/6—Assembly, fifteenth session, resolutions adopted by the Assembly, English, French, Spanish, p. 24.

(18) *Peaceful uses of outer space*

[The Assembly, at its fifteenth session, adopted resolution A15-1 concerning the participation by ICAO in programmes for the exploration and use of outer space.]

A15-WP/70 EX/11 LE/5, 22/6/65, English, French, Spanish—Item 7: Annual reports of the Council to the Assembly (Proposal presented by the Delegation of Colombia) (2 pp.).

A15-WP/213 Min. EX/1-13—Assembly, fifteenth session, Minutes of Executive Committee, English, French, Spanish, 4th mtg., pp. 46-48 (paras. 31-37).

A15-WP/118 P/15—Item 7 ADDENDUM, 2/7/65, English, French, Spanish—Report of the Executive Committee on agenda item 7 (4 pp.).

Doc 8522 A15-EX/43—Report of the Executive Committee, fifteenth session of the Assembly, English, French, Spanish, pp. 8-9 (para. 19).

Doc 8516 A15-P/5—Assembly, fifteenth session, Minutes of the plenary meetings, English, French, Spanish, 9th mtg., p. 124 (para. 6).

Doc 8528 A15-P/6—Assembly, fifteenth session, resolutions adopted by the Assembly, English, French, Spanish, pp. 1-2.

(19) *Annexes to the Convention on International Civil Aviation, Procedures for Air Navigation Services (PANS), Regional Supplementary Procedures (SUPPS)*

See "ICAO technical publications current editions as of 1 February 1966", ICAO *Bulletin*, vol. XXI, No. 2, 1965, pp. 14-19.

V. INTERNATIONAL ATOMIC ENERGY AGENCY

(1) *Statute and membership of the Agency*

(*a*) Action taken by States in connection with the Statute (INFCIRC/42/Rev.2).

(*b*) Membership of:

Jamaica GC(IX)/308, GC(IX)/RES/184
Jordan GC(IX)/308, GC(IX)/RES/183

(2) *Internal regulations on procedural and administrative questions*

(*a*) Amendment of the Agency's Staff Regulations (GOV/DEC/40 (VIII)—(26) and (27)).

(*b*) Amendment of Regulation 12.04 of the Financial Regulations (GOV/DEC/40 (VIII)—(28)).

(3) *International conventions (including treaties) concluded in 1965 to which the Agency is a party*

See the agreements listed under (*i*) to (*xi*), p. 57 of this *Yearbook*.

(4) *Other decisions and documents*

(*a*) The Agency's safety standards —Revision of the basic safety standards for radiation protection (GOV/1080).

(*b*) Code of practice on radiological protection in mining and milling of radioactive ores (GOV/1086).

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*

Adam, H. T. Les organismes internationaux spécialisés; contribution à la théorie générale des établissements publics internationaux. Paris, Librairie générale de droit et de jurisprudence, 1965. 2 v. (Paris, Université. Institut des hautes études internationales. Bibliothèque de droit international, 29).

Bentivoglio, Ludovico Matteo. Bipolarità dell'organizzazione internazionale: comunità degli Stati o comunità dei popoli? *Jus; rivista di scienze giuridiche* (Milano) 16: 299-317, 1965. Also in: *Diritto internazionale* (Milano) 19(I):3-17, 1965.

Bernucci, Giorgio Luigi. Le grandi organizzazioni internazionali contemporanee. Torino, Eri, 1965. 244 p.

Breycha-Vauthier, Artur C. Die internationalen Organisationen; ihre Vorläufer und ihre Rolle in der gegenwärtigen Welt. *Vereinte Nationen* (Bonn) 13:81-85.

Geamănu, Grigore. Dreptul internaţional contemporan. Bucureşti, Editura didactică si pedagogică, 1965. 885 p.

Contemporary international law.

Glahn, Gerhard von. Law among nations; an introduction to public international law. New York, MacMillan, 1965. 768 p.

Bibliography.

Haas, Ernst B. Beyond the nation-state; functionalism and international organization. Stanford, Calif., Stanford U.P., 1964. 595 p.

Hutschenreuter, Klaus. Die Rolle der internationalen Organisationen der jungen Nationalstaaten Afrikas. *In* Arzinger, R. Völkerrechtliche Probleme der jungen Nationalstaaten. Berlin, Staatsverlag der Deutschen Demokratischen Republik, 1965. p. 91-215.

Jacob, Philip E. *and* A. L. Atherton. The dynamics of international organization; the making of world order. Homewood, Ill., Dorsey Press, 1965. xvii, 723 p.

Larus, Joel, *ed.* From collective security to preventive diplomacy; readings in international organization and the maintenance of peace. New York, Wiley [1965] 556 p.

Monaco, Riccardo. Lezioni di Organizzazione Internazionale. I.: Diritto delle Instituzioni internazionali. Turin, Giappichelli, 1965. 416 p.

Morawiecki, Wojciech. Organizacje miedzynarodowe. Warszawa, Państwowe Wydawnictwo Naukowe, 1965. 532 p.

International organizations.

O'Connell, D. P. International law. London, Stevens, 1965. 2 v.

Bibliography: p. 1411-1434.

Potter, Pitman B. Contemporary problems of international organization. *American journal of international law* (Washington) 59:291-304, 1965.

Schwarzenberger, Georg. Beyond power politics? *Yearbook of world affairs* (London) 19:223-234, 1965.

Seidl-Hohenveldern, Ignaz. Völkerrecht. Köln, Carl Heymanns Verlag, 1965 (Academia iuris; Lehrbücher der Rechtswissenschaft)

Sereni, Angelo Piero. Diritto internazionale. Part IV: Conflitti internazionali. Milano, Giuffrè, 1965. p. 1565-2215.

Steiner, Henry J. The development of private international law by international organizations. *Proceedings of the American Society of International Law*, 59th annual meeting, Washington, D.C., 22-24 April 1965. p. 38-52.

Vitta, E. Nuove forme di parlamentarismo internazionale e sovranazionale. *In* Roma. Università. Facultà di giurisprudenza. Studi in memoria di Guido Zanobini. Milano, 1965. p. 489-536.

2. *Particular questions*

Brezoianu, Dumitru. Cu privire la calitatea de subiect de drept internaţional a organizaţiilor internaţionale. *Justiţia nouă* (Bucureşti): 17-28, 1965, no. 9.

International organizations as subjects of international law.

Chiu, Hungdah. Succession in international organisations. *International and comparative law quarterly* (London) 14:83-120, 1965.

Detter, Ingrid. Law making by international organizations. Stockholm, Norstedt, 1965. 353 p.

Feinberg, N. Unilateral withdrawal from an international organization. *British yearbook of international law 1963* (London) 39:189-219, 1965.

Glaser, Edwin. Unele consideraţii cu privire la procedura votului in organizaţiile internationale. *Studii si cercetări juridice* (Bucureşti) 10:65-79, 1965.

Some considerations on the voting procedure in international organizations.

Herczeg, István. Vita a nemzetközi szervezetek jogalanyiságának korlśtairól. *Jogtudományi Közlöny* (Budapest) 20:579-583, 1965.

Debate on the limits of international organizations as subjects at law.

Hexner, Ervin P. Teleological interpretation of basic instruments of public international organizations. *In* Law, State, and international legal order; essays in honor of Hans Kelsen, edited by Salo Engel. Knoxville, University of Tennessee Press, 1964. p. 119-138.

Jenks, C. Wilfred. Due process of law in international organizations. *International organization* (Boston) 19:163-176, spring 1965.

Jenks, C. Wilfred. Unanimity, the veto, weighted voting, special and simple majorities and consensus as models of decision in international organisations. *In* Cambridge essays in international law; essays in honour of Lord McNair. London, Stevens, 1965. p. 48-63.

Kass, Stephen L. Obligatory negotiations in international organizations. *Canadian yearbook of international law* (Vancouver) 3:36-72, 1965.

Knapp, Blaise. Les privilèges et immunités des organisations internationales et de leurs agents devant les tribunaux internationaux. *Revue générale de droit international public* (Paris) 69: 615-681, 1965.

Lauterpacht, E. The legal effect of illegal acts of international organisations. *In* Cambridge essays in international law; essays in honour of Lord McNair. London, Stevens, 1965. p. 88-121.

Lucien-Brun, Jean. Le Saint-Siège et les institutions internationales. *Annuaire français de droit international 1964* (Paris) 10:536-542, 1965.

Morawiecki, Wojciech. Some problems connected with the organs of international organizations. *International organization* (Boston) 19:913-928, autumn 1965.

Oldenhage, Gerd. Möglichkeiten und Grenzen Internationaler Organisationen für eine Durchsetzung des Völkerrechts. *Archiv des Völkerrechts* (Tübingen) 12:249-263, 1965.

Pabsch, W. C. Der strafrechtliche Schutz der überstaatlichen Hoheitsgewalt. Bonn, Röhrscheid, 1965. 212 p.

Pillado Salas, Ricardo. The legal status of international officials. *Inter-American law review. Revista juridica interamericana* (New Orleans) 6:169-190, 1964.

Text in Spanish p. 139-164.

Sabourin, Louis. La participation des provinces canadiennes aux organisations internationales. *Canadian yearbook of international law* (Vancouver) 3:73-99, 1965.

Schlögel, Anton. Völkerrechtlicher Schutz der im zivilen Bevölkerungsschutz tätigen Organisationen. *Jahrbuch für internationales Recht* (Göttingen) 12:186-206, 1965.

Schröer, Friedrich. Kollision zwischen internationalem und nationalem Beamtenrecht, insbesondere beim Streik in internationalen Organisationen. *Archiv des öffentlichen Rechts* (Tübingen) 90:61-80, 1965.

Schröer, Friedrich. Zur Gewährung von Befreiungen und Vorrechten an eine internationale Einrichtung. *Jahrbuch für internationales Recht* (Göttingen) 12:207-236, 1965.

Seyersted, Finn. Jurisdiction over organs and officials of States, the Holy See and inter-governmental organisations. *International and comparative law quarterly* (London) 14:31-82; 493-527, 1965.

Skubiszewski, Krzysztof. Uchwaly prawotwórcze organizacji miedzynarodowych przeglad zagadnień i analiza wstepna. Poznan, Praca Wydana z Zasilku Polskiej Akademii Nauk, 1965. 201 p.

Law-making resolutions of international organizations; survey of problems and preliminary analysis.

Summary in English.

Trombetas, T. P. Loyalty, privileges and immunities of international servants. *Revue hellénique de droit international* (Athènes) 18:66-79, 1965.

Ul'ianova, N. Osnovy efektyvnoï diiatel'nosti mizhnarodnoï orhanizatsiï zakladeni u ïï statuti. *Radians'ke pravo* (Kyiv) 28:84-87, listopad 1965, no. 8.

Role of the Charter in the effective activity of an international organization.

Whitney, Richard A. Immunities from territorial jurisdiction—representatives of Member States and officials of international organizations: *Anonymous v. Anonymous* (N. Y. Family Ct. 1964). *Columbia journal of transnational law* (New York) 4:151-158, 1965, no. 1.

Zanghi, Claudio. La funzione di controllo negli enti internazionali. Milano, A. Giuffrè, 1965. 80 p. (Pubblicazioni dell'Istituto di studi giuridici della Facoltà di scienze politiche dell'Università di Roma. S.V. 3).

B. United Nations

1. *General*

Ago, Roberto. Le Nazioni Unite per il diritto internazionale. *Comunità internazionale* (Padova) 20:511-524. 1965.

Akashi, Yasushi. The United Nations. Tokyo, Iwanami Shoten, 1965. iv, 238 p.

In Japanese.

Birecki, Henryk. Ewolucja idei Narodów Zjednoczonych. *Sprawy miedzynarodowe* (Warszawa) 18: 25-31, 1965, no. 1; 22-37, 1965, no. 2.

Evolution of the idea of the United Nations.

Bolz, Lothar. Universality: aim of the United Nations. *German foreign policy* (Berlin) 4: 3-11, 1965, no. 1.

Cansacchi, Giorgio. Il Papa e l'Organizzazione delle Nazioni Unite. *Diritto internazionale* (Milano) 49(I):197-211, 1965.

Ceguera, Salvador C. Peace, war and the United Nations. *Far Eastern law review* (Manila) 12: 284-297, 1965.

Claude, Inis L., Jr. Implications and questions for the future. *International organization* (Boston) 19:835-846, summer 1965.

Cleveland, Harlan. The evolution of rising responsibility. *International organization* (Boston) 19:828-834, summer 1965.

Colloque international de Nice, 1965. L'adaptation de l'ONU au monde d'aujourd'hui. Paris, Pedone, 1965. 230 p. Sponsored by: Association pour le développement du droit mondial.

Cordier, Andrew W. *and* W. Foote, *eds.* The quest for peace; the Dag Hammarskjöld memorial lectures. New York, Columbia University Press, 1965. xxii, 390 p.

Duroselle, J. B. France and the United Nations. *International organization* (Boston) 19:695-713, summer 1965.

Eichelberger, Clark Mell. UN: the first twenty years. New York, Harper and Row, [1965] 176 p.

Falk, Richard A. The authority of the United Nations over non-members. [Princeton] 1965. 101 p. (Princeton University. Center of International Studies. Research monograph, 18).

Fawcett, J. E. S. New States and the United Nations. *In* O'Brien, William V. ed. The new nations in international law and diplomacy. New York, Frederick A. Praeger, 1965. p. 229-252 (Georgetown University, Washington. School of Foreign Service. Institute of World Polity. Yearbook of world polity, v. 3).

Finkelstein, Lawrence S. The United Nations: then and now. *International organization* (Boston) 19:367-393, summer 1965.

Forgac, Albert A. New diplomacy and the United Nations. New York, Pageant Press [1965] 173 p.

Bibliography: p. 158-173.

Fox, Annette Baker. The small states of Western Europe in the United Nations. *International organization* (Boston) 19:774-786, summer 1965.

García Arias, Luis. La ONU, nuevo campo de lucha política internacional. Madrid, Instituto de Estudios Políticos, 1963. 80 p.

Gardner, Richard N. United Nations procedures and power realities: the international apportionment problem. *Proceedings of the American Society of International law*, 59th annual meeting, Washington, D.C., 22-24 April 1965. p. 232-245.

Goodwin, Geoffrey L. The Commonwealth and the United Nations. *International organization* (Boston) 19:678-694, summer 1965.

Gross, Leo. The United Nations and the role of law. *International organization* (Boston) 19:537-561, summer 1965.

Haraszti, György. Az ENSZ válsága a nemzetközi jog tükrében. *Jogtudományi Közlöny* (Budapest) 20:419-425, 1965.

The crisis of the United Nations as reflected by international law.

Haviland, H. Field, Jr. The United States and the United Nations. *International organization* (Boston) 19:643-665, summer 1965.

Heathcote, Nina. United Nations and nation-building. *International journal* (Toronto) 20:20-32, winter 1964-1965, no. 1.

Hofmannsthal, Emil von. Die UNO in den Spiegeln Asiens. Zurich, 1964. 76 p.

Jacobson, Harold Karan. The changing United Nations. *In* Foreign policy in the sixties: the issues and the instruments; essays in honor of Arnold Wolfers, ed. by Roger Hilsman and Robert C. Good. Baltimore, John Hopkins Press 1965. p. 67-89.

Karefa-Smart, John. Africa and the United Nations. *International organization* (Boston) 19:764-773, summer 1965.

Kopal, Vladimír. Změny v složení hlavních orgánu OSN. *Právník* (Praha) 104:379-383, 1965.

Changes in the composition of the principal organs of the United Nations.

Kozai, Shigeru. Transformation of the United Nations. *Kokusai mondai* (Tokyo) :50-67, September, 1965, no. 66; 50-61, November 1965, no. 68; 72-77, February 1966, no. 71.

In Japanese.

Lall, Arthur. The Asian nations and the United Nations. *International organization* (Boston) 19:728-748, summer 1965.

Lee, Marc J. The United Nations and world realities. Oxford, Pergamon Press, 1965. 255 p.

Leichter, Otto. Deutsche Belange in der UNO berührt. *Vereinte Nationen* (Bonn) 13:12-15, 1965.

Leichter, Otto. Keine Lösung der Krise der Vereinten Nationen—Aber bis Ende 1964 auch kein "Zusammenstoss". *Vereinte Nationen* (Bonn) 13:1-8, 1965.

Leichter, Otto. 19. Vollversammlung vertagt—Krise dauert an. *Vereinte Nationen* (Bonn) 13:37-47, 1965.

Leichter, Otto. Politische Wandlungen der Vereinten Nationen; ein Betrag zum 20 jährigen Bestehen der UN. *Vereinte Nationen* (Bonn) 13:73-80, 1965.

Leichter, Otto. Politische Wandlungen der Vereinten Nationen; ein Betrag zum 20 jährigen Bestehen der UN. *Vereinte Nationen* (Bonn) 13:126-130, 173-177, 1965.

Leichter, Otto. Von der Lähmung der 19. zur Aktivität der 20. Vollversammlung. *Vereinte Nationen* (Bonn) 13:147-157, 1965.

Leichter, Otto. Die 20. Vollversammlung arbeitet—Grundprobleme unverändert. *Vereinte Nationen* (Bonn) 13:186-190, 206-211, 1965.

Magee, J. S. Structure and substance: the politics of decentralization in the United Nations. *Journal of politics* (Gainesville, Fla.) 27:518-535, 1965.

Mates, Leo. United Nations crisis. *Socialist thought and practice* (Beograd) :123-141, January-March 1965, no. 17.

Matsumoto, Saburo. Bloc voting in the United Nations—a study of various blocs other than the Afro-Asian bloc. *Kokuren ronso* (Tokyo) :93-120, 1965.

In Japanese.

Münch, Fritz. Tätigkeit der Vereinten Nationen in völkerrechtlichen Fragen. *Archiv des Völkerrechts* (Tübingen) 12:264-288, 1965.

Padelford, N. J. *and* L. M. Goodrich, *eds.* The United Nations: accomplishments and prospects. [Boston] World Peace Foundation, 1965. [480] p. (International organization, v. 19, no. 3, summer 1965).

Pchelintsev, E. S. O poniatii "glavnyi organ OON". *Soviet year-book of international law 1963* (Moscow): 503-505, 1965.

On the term "principal organ of the United Nations".

Pindič, Dimitrije. Organizacija ujedinjenih nacija i Organizacija afričkog jedinstva. *Jugoslovenska revija za medunarodno pravo* (Beograd) 12:258-271, 1965.

L'Organisation des Nations Unies et l'Organisation de l'unité africaine.

Przetacznik, Franciszek. Dwudziestoletni dorobek Organizacji Narodow Zjednoczonych. *Sprawy miedzynarodowe* (Warszawa) 18:76-90, lipiec-sierpień 1965, no. 7-8.

Twenty years—attainments of the United Nations.

Russell, Ruth B. Changing patterns of constitutional development. *International organization* (Boston) 19:410-425, summer 1965.

Ruzié, David, Thiébaut Flory, *and* Paul Ravernier. L'année des Nations Unies (17 septembre 1963—15 septembre 1964): questions juridiques. *Annuaire français de droit international 1964* (Paris) 10:479-497, 1965.

Schachter, Oscar. Interpretation of the Charter in the political organs of the United Nations. *In* Law, State, and international legal order; essays in honor of Hans Kelsen, edited by Salo Engel. Knoxville, University of Tennessee Press, 1964. p. 269-283.

Schachter, Oscar. Legal problems. *In* Annual review of United Nations affairs, 1963-1964. New York, Oceana Publications [c. 1965] p. 118-127.

Schlüter, Hilmar Werner. Die Problematik des peaceful change. *Vereinte Nationen* (Bonn) 13:86-89, 1965.

Sisco, Joseph J. Hard choices at the U.N. *Department of State bulletin* (Washington) 52:460-465, 29 March 1965.

Soder, Josef. Die Stellung der "ehemaligen Feindstaaten" in der UN-Satzung. *Vereinte Nationen* (Bonn) 13:15-22, 1965.

Sovetskii Soiuz v Organizatsii Ob'edinennykh Natsii. Redkollegiia I. G. Usakev [i dr.] Moskva, Nauka, 1965. 2 v.

Bibliographies: v. 1, p. 429-447; v. 2, p. 638-657.

The Soviet Union in the United Nations.

Stoessinger, John G. The United Nations and the superpowers; United States-Soviet interaction at the United Nations. [New York, Random House, 1965] xvii, 206 p. (Studies in political science, PS 53).

Bibliographies.

Takano, Yuichi. Problems facing the international peace organizations. *Shiso* (Tokyo) :38-49, October 1965.

In Japanese.

Thompson, Kenneth W. The new diplomacy and the quest for peace. *International organization* (Boston) 19:394-409, summer 1965.

Tunkin, Grigori I. Die rechtliche Natur der UNO und der Weg zur Festigung der internationalen Organisation. *Vereinte Nationen* (Bonn) 13: 121-126, 1965.

U. S. Congress. House. Committee on Foreign Affairs. Subcommittee on International Organizations and Movements. United Nations participation Act amendments. Hearing before the Subcommittee on S. 1903, to amend the United Nations Participation Act, as amended (63 STAT. 734-736), June 30 and July 1, 1965. Washington, 1965. 42 p. (U.S. 89. Cong., 1. sess.).

Van Wagenen, Richard W. The concept of community and the future of the United Nations. *International organization* (Boston) 19: 812-827, summer 1965.

Vincent, Jack Ernest. The caucusing groups of the United Nations; an examination of their attitudes toward the Organization. [Ann Arbor, University Microfilms] 1964. 225 p.

Wadsworth, James J. The glass house; the United Nations in action. New York, Frederick A. Praeger, 1965. 224 p.

Weill-Tuckerman, Anne. The UN at twenty; the malaise of sovereignty. *Nation* (New York) 200:690-694, 28 June 1965.

Wilcox, Francis O. International confederation—the United Nations and state sovereignty. *In* Plischke, Elmer, ed. Systems of integrating the international community. Princeton, Van Nostrand [1964] p. 27-66.

Wilcox, Francis O. Regionalism and the United Nations. *International organization* (Boston) 19:789-811, summer 1965.

Wood, Bryce *and* Minerva Morales M. Latin America and the United Nations. *International organization* (Boston) 19:714-727, summer 1965.

Yturriaga Barberán, José Antonio de. L'Organisation de l'unité africaine et les Nations Unies. *Revue générale de droit international public* (Paris) 69:370-394, 1965.

Zorin, V. A. OON i aktual'nye mezhdunarodnye problemy, k 20-letiiu OON. Pod redaktsiei V. A. Zorina i G. I. Morozova. Moskva, Izdat. Mezhdunarodnye otnosheniia, 1965. 363 p.

The United Nations and current international problems.

2. *Particular organs*

Administrative Tribunal

Koh, Byung Chul. Administrative justice in the United Nations: an appraisal of its Administrative Tribunal. *International review of administrative sciences* (Brussels) 31:210-216, 1965.

Rahmatullah Khan. Judicial control of the UN Secretary-General's discretionary powers in personnel matters. *International studies* (New Delhi) 7:279-310, 1965.

Taijudo, Kanae. The United Nations Administrative Tribunal. *In* Kokusai rengo no kenkyu, v. 2 (Studies of the United Nations, compiled in commemoration of the 60th anniversary of Professor Taoka's birthday) Tokyo, Yuhikaku, 1963. p. 190-211.

In Japanese.

Tribunal administratif des Nations Unies. *Annuaire français de droit international 1964* (Paris) 10:417-428, 1965.

Economic and Social Council

Avramov, Smilja. Proširenje Saveta bezbednosti i Ekonomskog i socijalnog saveta UN. *Jugoslovenska revija za medunarodno pravo* (Beograd) 12:172-189, 1965.

Élargissement du Conseil de sécurité et du Conseil économique et social de l'ONU.

Summary in English.

Hayashi, Hisashige. The Economic and Social Council. *In* Kokusai rengo no kenkyu, v. 2 (Studies of the United Nations, compiled in commemoration of the 60th anniversary of Professor Taoka's birthday) Tokyo, Yuhikaku, 1963. p. 118-140.

In Japanese.

Economic Commission for Europe

Schwarz, Rudolf. Zwischenbilanz der UN-Wirtschaftskommission für Europa (ECE). *Vereinte Nationen* (Bonn) 13:26-27, 1965.

General Assembly

Alker, Hayward R. *and* Bruce M. Russett. World politics in the General Assembly. New Haven, Yale U. P., 1965. 326 p.

Asamoah, Obed. The legal effect of resolutions of the General Assembly. *Columbia journal of transnational law* (New York) 3:210-230, 1965, no. 2.

Chaumont, Charles-M. Les rôles respectifs de l'Assemblée générale et du Conseil de sécurité. *Revue de droit contemporain* (Bruxelles) 12:24-35, 1965, no. 2.

Efimov, G. K. Voprosy kompetentsii General'noi Assamblei OON v mezhdunarodnopravovoi doktrine SShA. *Soviet year-book of international law 1963* (Moscow) :345-350, 1965.

Questions of competence of the UN General Assembly in the American doctrine of international law.

Falcone, Francesco. Sui sistemi di votazione adottati dall'assemblea generale delle Nazioni Unite. Palermo, Luxograph, 1965. 29 p.

Ianovskii, M. Iuridicheskaia sila rezoliutsii General'noi Assamblei i Ustav OON. *Sovetskoe gosudarstvo i pravo* (Moskva) 35:120-124, sentiabr' 1965, no. 9.

The legal force of General Assembly resolutions.

Issues before the Twentieth General Assembly. *International conciliation* (New York) :1-191, September 1965, no. 554.

Malinin, S. O kriteriiakh pravomernosti rezoliutsii General'noi Assamblei OON. *Leningrad, Universitet Pravovedenie, Izvestiia VUZ* (Leningrad) 9:113-123, 1965, no. 2.

Criteria of lawfulness of General Assembly resolutions.

Manno, Catherine Senf. Weighted voting in the United Nations General Assembly: a study of feasibility and methods. [Ann Arbor, Mich., University Microfilms, 1965] 319 p.

Miyachi, Kenjiro. The General Assembly and Japanese diplomacy. *Kokusai mondai* (Tokyo): 28-35, 1965, no. 67.

In Japanese.

Ogawa, Yoshihiko. Voting procedures of the General Assembly. *In* Kokusai rengo no kenkyu, v. 2 (Studies of the United Nations, compiled in commemoration of the 60th anniversary of Professor Taoka's birthday) Tokyo, Yuhikaku, 1963. p. 23-50.

In Japanese.

Seidler, Lotte. Seven papers cover the 1960 United Nations General Assembly; a study of news selection, emphasis and treatment. [Ann Arbor, Mich., University Microfilms, 1965] 465 p.

Takemoto, Masayuki. Validity of resolutions of the General Assembly. *In* Kokusai rengo no kenkyu, v. 2 (Studies of the United Nations, compiled in commemoration of the 60th anniversary of Professor Taoka's birthday) Tokyo, Yuhikaku, 1963. p. 51-74.

In Japanese.

Tewary, I. N. Effectiveness of the resolutions of the General Assembly: peace and security, 1951-1960. *International studies* (New Delhi) 7:311-336, 1965.

Unemura, Shigeru. The competence of the General Assembly concerning the peaceful settlement of disputes. *In* Kokusai rengo no kenkyu, v. 2 (Studies of the United Nations, compiled in commemoration of the 60th anniversary of Professor Taoka's birthday) Tokyo, Yuhikaku, 1963. p. 3-22.

In Japanese.

International Court of Justice

Anand, R. P. The International Court of Justice and the development of international law *International studies* (New Delhi) 7:228-261, 1965.

Anand, R. P. The role of individual and dissenting opinions in international adjudication. *International and comparative law quarterly* (London) 14:788-808, 1965.

Anand, R. P. The United States and the World Court. *International studies* (New Delhi) 6:254-284, 1965.

Bains, J. S. Domestic jurisdiction and the World Court. *Indian journal of international law* (New Delhi) 5:464-492, 1965.

Ballingher, R. B. Grounds for revision revised: an examination of Mr. Justice Wynne's argument concerning the International Court of Justice and the South West Africa cases. *South African law journal* (Cape Town) 82(I): 26-30, February 1965.

Bernardini, Aldo. Sul c.d. transferimento di giurisdizione dalla Corte permanente di giustizia internazionale alla Corte internazionale di giustizia. *Rivista di diritto internazionale* (Milano) 48:197-229, 1965.

Brownlie, Ian. The relations of nationality in public international law. *British yearbook of international law 1963* (London) 39:284-364, 1965.

Carlston, Kenneth S. Development and limits of international adjudication. *Proceedings of the American Society of International Law*, 59th annual meeting, Washington, D.C., 22-24 April 1965. p. 182-189.

Dugard, C. J. R. Objections to the revision of the 1962 judgment of the International Court of Justice in the South West African case. *South African law journal* (Cape Town) 82(II):178-191, May 1965.

Duisberg, Claus-Jürgen. Das subjektive Element im Völkergewohnheitsrecht unter besonderer Berücksichtigung der Rechtsprechung des internationales Recht. *Jahrbuch für internationales Recht* (Göttingen) 12:140-157, 1965.

Etra, Aaron. South West Africa cases: justiciable disputes—a jurisdictional and jurisprudential issue. *Columbia journal of transnational law* (New York) 4:86-118, 1965, no. 1.

Feder, Gerald A. *and* others. The South West Africa cases: a symposium. *Columbia journal of transnational law* (New York) 4:47-118, 1965.

Fitzmaurice, Gerald. Hersch Lauterpacht; the scholar as judge. Part III. *British yearbook of international law 1963* (London) 39:113-188, 1965.

Fitzmaurice, Gerald. Judicial innovation—its use and its perils—as exemplified in some work of the International Court of Justice during Lord McNair's period of office. *In* Cambridge essays in international law; essays in honour of Lord McNair. London, Stevens, 1965. p. 24-47.

Fleming, Brian. Case concerning the Barcelona Traction, Light and Power Company Limited (new application, 1962; Belgium v. Spain): Preliminary objections. *Canadian yearbook of international law* (Vancouver) 3:306-314, 1965.

Fukatsu, Ei'ichi. The enforcement of decisions of international courts and tribunals (Part I). *Hogaku-kiyo* (Tokyo): August 1965.

Goldschmidt, H. The Connally amendment revisited: sterile and effective measures of protecting the reserved domain. *Virginia journal of international law* (Charlottesville) 6:65-97, 1965.

Gordon, Edward. The World Court and the interpretation of constitutive treaties. *American journal of international law* (Washington) 59:794-833, 1965.

Gross, Leo. Problems of international adjudication and compliance with international law: some simple solutions. *American journal of international law* (Washington) 59:48-59, 1965.

Guha Roy, S. N. The World Court's advisory opinion of 20 July 1962 on "certain expenses of the United Nations". *Österreichische Zeitschrift für öffentliches Recht* (Wien) 15:179-269, 1965, no. 3.

Head, Ivan L. The contribution of the International Court of Justice to the development of international organizations. *Proceedings of the American Society of International Law*, 59th annual meeting, Washington, D.C., 22-24 April 1965, p. 177-182.

Kano, Toru. The International Court of Justice. *In* Kokusai rengo no kenkyu, v. 2 (Studies of the United Nations, compiled in commemoration of the 60th anniversary of Professor Taoka's birthday) Tokyo, Yuhikaku, 1963. p. 155-171.

In Japanese.

Kartashkin, V. A. Rol' Mezhdunarodnogo Suda OON v mirnom razreshenii territorial'nykh sporov. *Soviet year-book of international law 1963* (Moscow): 501-503, 1965.

Role of the International Court of Justice in peaceful settlement of territorial conflicts.

Kelly, G. M. The *Temple* case in historical perspective. *British yearbook of international law 1963* (London) 39:462-472, 1965.

Kobayashi, Teruo J. The Anglo-Norwegian Fisheries Case of 1951 and the changing law of the territorial sea. Gainsville, Fla., University of Florida Press, 1965. 87 p. (University of Florida social science monograph, 26).

Kozhevnikov, F. I. Istoriia i organizatsiia Mezhdunarodnogo suda OON. *Soviet year-book of international law 1963* (Moscow): 380-397, 1965.

History and organization of the International Court of Justice.

Lamberti Zanardi, Pierlugi. Il procedimento sulle eccezioni preliminari nel processo davanti alla Corte internazionale di giustizia. *Rivista di diritto internazionale* (Milano) 48:537-568, 1965.

Lenhoff, Arthur. International law and rules on international jurisdiction. *Cornell law quarterly* (Ithaca, N.Y.) 50:5-23, 1964-65.

Liacouras, Peter J. The International Court of Justice and development of useful "rules of interpretation" in the process of treaty interpretation. *Proceedings of the American Society of International Law*, 59th annual meeting, Washington, D.C., 22-24 April 1965. p. 161-169.

Louis, Jean-Victor. Affaire de la Barcelona Traction, Light and Power Company, Limited; nouvelle requête 1962; Belgique c. Espagne; exceptions préliminaires: L'arrêt du 24 juillet 1964 de la Cour internationale de Justice. *Revue belge de droit international* (Bruxelles) 1:253-278, 1965.

Louis, Jean-Victor. L'"estoppel" devant la Cour internationale de Justice; arrêt du 24 juillet 1964 dans l'affaire de la "Barcelona Traction". *Revue de droit international et de droit comparé* (Bruxelles) 42:212-234, 1965.

Miaja de la Muela, Adolfo. Una extensión jurisprudencial del concepto de 'tratado internacional'; acotaciones a la Sentencia del TIJ de 21 de diciembre de 1962. *Revista española de derecho internacional* (Madrid) 16:115-132, 1963.

Ogawa, Yoshihiko. The International Court of Justice and law-making function. *Ho to seiji* (Nishinomiya) 15:1-30, December 1964, no. 4; 16:39-83, August 1965, no. 3.

In Japanese.

Osawa, Akira. An essay on the general principles of law and the International Court of Justice. *Toyo hogaku* (Tokyo) 8:1-50, November 1964, no. 2.

In Japanese.

Pauw, Frans de. La Belgique et la compétence obligatoire de la Cour internationale. *Revue belge de droit international* (Bruxelles) 1:49-87, 1965.

Pecourt García, Enrique. El principio del 'estoppel' y la Sentencia del Tribunal Internacional de Justicia, en el caso del Templo de Preah Vihear. *Revista española de derecho internacional* (Madrid) 16:153-166, 1963.

Penegar, Kenneth Lawing. Relationship of advisory opinions of the International Court of Justice to the maintenance of world minimum order. *University of Pennsylvania law review* (Philadelphia) 113:529-561, 1964/65.

Petrenko, N. Deiatel'nost' Mezhdunarodnogo suda OON v 1962g. *Soviet year-book of international law 1963* (Moscow): 532-533, 1965.

Activities of the International Court of Justice in 1962

Pinto, Roger. Chronique de jurisprudence de la Cour internationale de Justice. *Journal du droit international* (Paris) 92:490-500, 1965.

Poulantzas, Dionyssios M. The Chambers of the International Court of Justice and their role in the settlement of disputes arising out of space activities. *Revue hellénique de droit international* (Athènes) 18:150-153, 1965.

Rahmatullah Khan. Development of juridical status of the international organization through World Court. *Journal of the Indian Law Institute* (New Delhi) 7:189-205, 1965, no. 3.

Rahmatullah Khan. Peace-keeping powers of the UN General Assembly: advisory opinion of the ICJ. *International studies* (New Delhi) 6:317-332, January 1965.

Raman, K. Venkata. The rôle of the International Court of Justice in the development of international customary law. *Proceedings of the American Society of International Law*, 59th annual meeting, Washington, D.C., 22-24 April 1965, p. 169-177.

Rice, David A. South West Africa cases: parties in interest. *Columbia journal of transnational law* (New York) 4:71-85, 1965, no. 1.

Rosenne, Shabtai. The Court and the judicial process. *International organization* (Boston) 19:518-536, summer 1965.

Rosenne, Shabtai. The law and practice of the International Court. Leyden, A. W. Sijthoff, 1965. 2 v.

Rosenne, Shabtai. On the non-use of the advisory competence of the International Court of Justice. *British yearbook of international law 1963* (London) 39-1:53, 1965.

Sekino, Shoichi. Escape clause to the acceptance of the compulsory jurisdiction of the International Court of Justice. *Kokugakuin hogaku* (Tokyo) 2:24-60, March 1965, no. 3.

In Japanese.

Shihata, Ibrahim F. I. The attitude of new States toward the International Court of Justice. *International organization* (Boston) 19:203-222, spring 1965.

Shihata, Ibrahim F. I. The power of the International Court to determine its jurisdiction. The Hague, Martinus Nijhoff, 1965. 400 p.

Stahl, Klaus. Die Rechtsprechung des Internationalen Gerichtshofes in den Jahren 1961 und 1962. *Jahrbuch für internationales Recht* (Göttingen) 12:348-376, 1965.

Suy, Erik. Contribution de la jurisprudence internationale récente au développement du droit des gens. *Revue belge de droit international* (Bruxelles) 1:315-347, 1965, no. 2; 2:68-93, 1966, no. 1.

Taijudo, Kanae. Modern international law and adjudication. *Shiso* (Tokyo) :26-37, October 1965, no. 496.

In Japanese.

Takano, Yuichi, *ed.* Case studies: the International Court of Justice. Tokyo, Tokyo University Press, 1965. xiii, 430 p.

In Japanese.

V mezhdunarodnom sude. *Soviet year-book of international law 1963* (Moscow) :352-379, 1965. On the International Court of Justice.

Verzijl, J. H. W. International Court of Justice, 1964; case concerning the Barcelona Traction, Light and Power Company Limited; preliminary objections (new application: 1962). *Nederlands tijdschrift voor internationaal recht* (Leyden) 12:2-42, 1965.

Verzijl, J. H. W. The jurisprudence of the World Court; a case by case commentary. Leyden, A. W. Sijthoff, 1965. 2 v. (Nova et vetera iuris gentium. Ser. A. Modern international law, 2).

Visscher, Charles de. La chose jugée devant la Cour internationale de La Haye. *Revue belge de droit international* (Bruxelles) 1:5-14, 1965.

White, Gillian M. The use of experts by international tribunals. [Syracuse, N. Y.] Syracuse U. P., [1965] xv, 259 p. (Procedural aspects of international law series).

Yturriaga Barberán, José Antonio de. Actitud de los nuevos estados ante el Tribunal Internacional de Justicia. *Revista español de derecho internacional* (Madrid) 18:175-201, 1965.

Secretariat

Kamiya, Tatsuo. The functions of the Secretary-General concerning the maintenance of international peace and security. *Kokugakuin hogaku* (Tokyo) 2:1-23, March 1965, no. 3.

In Japanese.

Kawasaki, Ichiro. The Secretariat. *In* Kokusai rengo no kenkyu, v. 2 (Studies of the United Nations, compiled in commemoration of the 60th anniversary of Professor Taoka's birthday) Tokyo, Yuhikaku, 1963. p. 172-189.

In Japanese.

Lentner, Howard H. The diplomacy of the United Nations Secretary-General. *Western political quarterly* (Salt Lake City) 18:531-550, 1965.

Lentner, Howard H. The political responsibility and accountability of the United Nations Secretary-General. *Journal of politics* (Gainsville, Fla.) 27:839-860, 1965.

Perrin, Georges. Los funcionarios internacionales. Madrid, Edit. Escuela de Funcionarios Internacionales, 1965. 219 p.

Suković, Olga. Načela odabiranja osoblja Sekretarijata UN. *Jugoslovenska revija za medunarodno pravo* (Beograd) 12:271-279, 1965.

Les principes du recrutement du personnel du Secrétariat de l'ONU.

Vasil'ev, N. M. Sekretariat—ispolnitelnyi mekhanizm OON. Moskva, Mezhdunarodnye otnosheniia, 1965. 109 p.

The Secretariat—executive instrument of the United Nations.

Winchmore, Charles. The Secretariat: retrospect and prospect. *International organization* (Boston) 19:622-639, summer 1965.

Security Council

Avramov, Smilja. Proširenje Saveta bezbednosti i Ekonomskog i socijalnog saveta UN. *Jugoslovenska revija za medunarodno pravo* (Beograd) 12:172-189, 1965.

Élargissement du Conseil de sécurité et du Conseil économique et social de l'ONU.

Summary in English.

Chaumont, Charles-M. Les rôles respectifs de l'Assemblée générale et du Conseil de sécurité. *Revue de droit contemporain* (Bruxelles) 12:24-35, 1965, no. 2.

Kamiya, Tatsuo. Voting procedure of the Security Council and the veto. *In* Kokusai rengo no kenkyu, v. 2 (Studies of the United Nations, compiled in commemoration of the 60th anniversary of Professor Taoka's birthday) Tokyo, Yuhikaku, 1963. p. 93-117.

In Japanese.

Maebara, Mitsuo. Composition of the Security Council. *In* Kokusai rengo no kenkyu, v. 2 (Studies of the United Nations, compiled in commemoration of the 60th anniversary of Professor Taoka's birthday) Tokyo, Yuhikaku, 1963. p. 75-91.

In Japanese.

Petersen, Keith S. The business of the United Nations Security Council: history (1946-1963) and prospects. *Journal of politics* (Gainsville, Fla.) 27:818-838, 1965.

Takahashi, Yoshiya. Veto in the Security Council of the United Nations. *Seikei kenkyu* (Tokyo) 2:92-153, April 1965, no. 1.

In Japanese.

Trusteeship Council

Tsuchiya, Shigeki. The Trusteeship Council. *In* Kokusai rengo no kenkyu, v. 2 (Studies of the United Nations, compiled in commemoration of the 60th anniversary of Professor Taoka's birthday) Tokyo, Yuhikaku, 1963. p. 141-154.

In Japanese.

United Nations Forces

Amerasinghe, C. F. The use of armed forces by the United Nations in the Charter travaux préparatoires. *Indian journal of international law* (New Delhi) 5:305-333, 1965.

Firmage, E. B. A United Nations peace force. *Wayne law review* (Detroit) 11:717-738, 1965.

Flory, Maurice. Force internationale des Nations Unies et pacification intérieure de Chypre. *Annuaire français de droit international 1964* (Paris) 10:458-478, 1965.

Gozze-Gucetić, Vuko. Osnovna pitanja obrazovanja, sastva i dejstva oružanih snaga Ujedinjenih nacija. *Jugoslovenska revija za medunarodno pravo* (Beograd) 12:190-208, 1965.

Questions fondamentales de la formation, de la structure et du fonctionnement des forces armées des Nations Unies.

Summary in English.

Kotani, Hidejiro. The development and present status of the United Nations Forces. *Kokusai mondai* (Tokyo) :26-33, 1965, no. 60.

In Japanese.

Kozai, Shigeru. Japanese participation in the United Nations Forces: possibilities and limitations. *Japanese annual of international law* (Tokyo) :10-20, 1965, no. 9.

In Japanese.

Lefever, Ernest W. Crisis in the Congo; a United Nations Force in action. Washington, 1965. 215 p. (Brookings Institution, Washington. Studies of U.S. policy and the U.N.).

Marshall, C. B. Character and mission of a United Nations peace force under conditions of general and complete disarmament. *American political science review* (Washington) 59:350-364, 1965.

Moriwaki, Tsunefuto. On apportionment of expenses of the United Nations Forces. *Juristo* (Tokyo) :33-42, May 1965, no. 321.

In Japanese.

Sawicki, Jerzy. Doniosla inicjatywa w sprawie sil zbrojnych NZ. *Sprawy miedzynarodowe* (Warszawa) 18:32-53, styczeń 1965.

An important initiative on armed forces of the United Nations.

Semenov, V. K voprosu o pravovoi osnove vooruzhennykh sil OON. *Pravovedenie* (Leningrad) 9:116-122, 1965, no. 3.

The legal basis of the United Nations Forces.

United Nations Association of Great Britain and Northern Ireland. What kind of peace force? London, 1965. 15 p.

Wise, Raymond L. Veto cannot bar U.N. General Assembly from establishing a peacekeeping force. *American Bar Association journal* (Chicago) 51:1169-1172, 1965.

3. *Particular questions or activities*

Charter revision

Engel, Salo. Procedures for the *de facto* revision of the Charter. *Proceedings of the American Society of International Law*, 59th annual meeting, Washington, D.C., 22-24 April 1965. p. 108-116.

Matine-Daftary, A. L'adaptation de la Charte des Nations Unies aux besoins actuels du monde. *Revue de droit international, de sciences diplomatiques et politiques* (Genève) 43:132-142, 1965.

Nisot, Joseph. La révision de la Charte des Nations Unies (Articles 108 et 109 de la Charte). *Revue belge de droit international* (Bruxelles) 1:369-375, 1965.

Rai, K. B. India's attitude towards revision of the United Nations Charter. *Foreign affairs reports* (New Delhi) 14:83-88, June 1965; 106-112, July 1965.

Schwelb, Egon. Amendments to articles 23, 27 and 61 of the Charter of the United Nations. *American journal of international law* (Washington) 59:834-856, 1965.

U.S. Congress. Senate. Committee on Foreign Relations. United Nations Charter amendments; hearings before the Committee, April 28 and 29, 1965. Washington, 1965. 138 p. (U.S. 89. Cong., 1. sess.)

Williams, John E. A new charter for the United Nations. Bushey, Herts, Eng., World Union Press, 1965. 78 p.

Zabihaïloo, K. Ratyfikatsiia URSR popravok do Statutu OON. *Radianns'ke pravo* (Kyïv) 28: 115-117, 1965, no. 3.

Ratification by the Ukrainian SSR of amendments to the United Nations Charter.

Commercial arbitration

Domke, Martin. Commercial arbitration. Englewood Cliffs, N.J., Prentice-Hall, 1965. 116 p.

Domke, Martin. International commercial arbitration in the International Cooperation Year. *Arbitration journal* (New York) 20:226-233, 1965.

Klein, Fréderich-Edouard. L'arbitrage international de droit privé; réalités et perspectives. *Schweizerisches Jahrbuch für internationales Recht 1963* (Zürich) 20:41-62, 1965.

Maclean, R. La eficacia de las sentencias extranjeras. *Boletin del Instituto de Derecho Comparado de México* (Mexico City) 18:3-44, 1965.

Rao, K. Krishna. International commercial arbitration. New Delhi, Indian Society for International Law, 1964. 398 p.

Reisman, William M. The role of the economic agencies in the enforcement of international judgments and awards: a functional approach. *International organization* (Boston) 19:929-947, autumn 1965.

Rubellin-Devichi, Jacqueline. L'arbitrage; nature juridique, droit interne et droit international privé. Paris, Librairie générale de droit et de jurisprudence, 1965. 412 p.

Wilner, Gabriel M. Determining the law governing performance in international commercial arbitration: a comparative study. *Rutgers law review* (New Brunswick, N. J.) 19:646-691, 1965.

Consular relations

Avakov, N. M. *and* IU. D. Il'in. Venskaiia konferentsiia po konsul'skim snosheniiam, *Soviet yearbook of international law 1963* (Moscow) :271-290, 1965.

Vienna Conference on Consular Relations.

Summary in English.

Biscottini, Giuseppe. La natura giuridica della funzione consolare. *Diritto internazionale* (Milano) 19(I):97-114, 1965, no. 2.

Dinstein, Yoram. Amenability of foreign consuls in Israel for "semi-official" acts. *Hapraklit* (Tel Aviv) 21:317, May 1965.

In Hebrew; summary in English.

Venneman, R. La fin des consulats? *Revue belge de droit international* (Bruxelles) 1:148-161, 1965.

Diplomatic relations

Collins, Lawrence A. The effectiveness of the restrictive theory of sovereign immunity. *Columbia journal of transnational law* (New York) 4:119-150, 1965.

Ghelmegeanu, Mihail. Misiunile diplomatice speciale ("Diplomaţia *ad hoc*"). *Studii şi cercetări juridice* (Bucureşti) 10:497-504, 1965.

Haastrup, Abedokun A. Diplomatic relations and reciprocity. *Indian journal of international law* (New Delhi) 5:194-199, 1965.

Hatano, R. Traffic accidents and diplomatic privileges and immunities. *Juristo* (Tokyo): 10, 15 March 1965, no. 318.

Levin, D. B. Napadenie na diplomaticheskuiu missiiu Rumynskoi Narodnoi Respubliki v Berne i ego otsenka v svete mezhdunarodnogo prava. *Soviet yearbook of international law 1963* (Moscow) :291-302, 1965.

Attack on the Rumanian Diplomatic Mission in Bern and its assessment in the light of international law.

Summary in English.

Levit, William H. International law—duration of diplomatic immunity—substituted service on Indian diplomat unauthorized under District of Columbia Long-Arm Statute. *Harvard International Law Club journal* (Cambridge) 7:153-164, 1965.

Maresca, Adolfo. Considérations sur les derniers développements du droit diplomatique et consulaire. *Revue de droit international, de sciences diplomatiques et politiques* (Genève) 43:323-332, 1965.

Misra, K. P. The second Convention on Diplomatic Relations and India. *Foreign affairs reports* (New Delhi) 14:89-92, June 1965.

Ostrower, Alexander. Language, law and diplomacy; a study of linguistic diversity in official international relations and international law. Philadelphia, Pennsylvania U. P. [1965] 2 v.

Bibliography: v. 2, p. 827-903.

Przetacznik, Franciszek. Jurisdictional immunity of a diplomatic representative in the light of the Vienna Convention. *Nowe prawo* (Warsaw) 21:849, July-August 1965.

In Polish.

Ronning, C. Neale. Diplomatic asylum; legal norms and political reality in Latin American relations. The Hague, Martinus Nijhoff, 1965. 242 p.

Salmon, Jean J. A. Quelques remarques sur les classes des chefs de missions diplomatiques en Belgique. *Revue belge de droit international* (Bruxelles) 1:165-174, 1965.

Schermers, H. G. L'immunité devant le droit pénal, en particulier en ce qui concerne les infractions aux règles de la circulation. *In* Le droit pénal international: recueil d'études en hommage à J. M. van Bemmelen. Leiden, Brill, 1965. p. 174-189.

Sen, B. A diplomat's handbook of international law and practice. The Hague, Martinus Nijhoff, 1965. 522 p.

Simmonds, K. R. The limits of sovereign jurisdictional immunity: the Petrol Shipping Corporation and Victory Transport cases. *McGill law journal* (Montreal) 11:290-308, 1965.

Sovereign immunity—waiver and execution: arguments from Continental jurisprudence. *Yale law journal* (New Haven) 74:887-918, 1964-1965.

Steinmann, Hans-Georg. Beitrag zu Fragen der zivil-rechtlichen Immunität von ausländischen Diplomaten, Konsuln und anderen bevorrechtigen Personen sowie von fremden Staaten, die durch ihre Missionen oder auf ähnliche Weise in der Bundesrepublik Deutschland tätig werden. *Monatsschrift für deutsches Recht* (Hamburg) 19:706-712, 795-799, 1965.

Ustor, Endre. A Diplomáciai Kapcsolatok Joga. Budapest, Közgazdasági és Jogi Könyvkiadó, 1965. 566 p.

The law of diplomatic relations.

Wilson, Clifton E. Diplomatic privileges and immunities: the retinue and families of the diplomatic staff. *International and comparative law quarterly* (London) 14:1265-1295, 1965.

Disarmament

Abt, Clark C. Controlling future arms. *Disarmament and arms control* (London) 3:19-40, spring 1965.

Aguilar Navarro, Mariano. Marco adecuado para las negociaciones sobre el desarme. *Revista española de derecho internacional* (Madrid) 18:509-528, 1965.

Aguilar Navarro, Mariano. Reflexiones sobre el desarme. *Revista española de derecho internacional* (Madrid) 18:151-163, 1965.

Aronowitz, Dennis S. Legal aspects of arms control verification in the United States; a study prepared under the general direction of L. Henkin under the auspices of the Legislative Drafting Research Fund, Columbia University. Dobbs Ferry, N. Y., Oceana Publications, 1965. 222 p.

Barnet, Richard J. *and* R. A. Falk, *eds.* Security in disarmament. Princeton, Princeton U. P. for Princeton Center on International Studies, 1965. 441 p.

Bowett, D. W. The International Disarmament Organization, the United Nations and the veto: some observations on problems of relationship and functioning. *In* Cambridge essays in international law; essays in honour of Lord McNair. London, Stevens, 1965. p. 1-23.

Brownlie, Ian. Some legal aspects of the use of nuclear weapons. *International and comparative law quarterly* (London) 14:437-451, 1965.

Cheever, Daniel S. The UN and disarmament. *International organization* (Boston) 19:463-483, summer 1965.

Degen, Ludwig. Das Problem der weiteren Verbreitung der Kernwaffen vor der UNO. *Vereinte Nationen* (Bonn) 13:9-11, 1965.

Esgain, Albert J. The legal aspects of arms control and disarmament treaties. *Temple law quarterly* (Philadelphia) 38:133-151, 1965/66.

Gotlieb, Allan. Disarmament and international law; a study of the role of law in the disarmament process. Toronto [1965] 232 p. (Canadian Institute of International Affairs. Contemporary affairs, 34).

Iwan, Joachim. Die Abrüstung; die Bemühungen um Friedenssicherung durch Rüstungsbeschränkung und -kontrolle. München, Beck'sche Verlagsbuchhandlung, 1965. 270 p. (Munich. Universität. Institut für Politische Wissenschaften. Münchener Studien zur Politik, 4).

Jack, H. A. The 1965 session of the United Nations Disarmament Commission. *Disarmament* (Paris) :17-20, September 1965, no. 7.

Lahn, L. Die Tagung der Abrüstungskommission der Vereinten Nationen, April-Juni 1965; Verlauf und Ergebnisse. *Europa-Archiv* (Bonn) 20:579-588, 1965.

Luard, Evan, *ed.* First steps to disarmament; a new approach to the problems of arms reductions. London, Thames [1965] 277 p.

Millis, Walter. An end to arms. New York, Atheneum, 1965. 301 p.

Nuclear test ban treaties. *British yearbook of international law 1963* (London) 30:449-456, 1965.

Soder, Josef. Atomwaffen und Konzil. *Vereinte Nationen* (Bonn) 13:196-200, 1965.

Rehm, George Wilhelm. Rüstungskontrolle im Weltraum. Bonn, Siegler [1965] 129 p. (Deutsche Gesellschaft für Auswärtige Politik. Dokumentationen, 3).

Salter, Leonard M. American initiatives toward a disarmed world under law. *American Bar Association journal* (Chicago) 51:637-640, 1965.

Shustov, V. Bor'ba Sovetskogo za vseobshchee i polnoe razoruzhenie v 1962-1963 gg. *Soviet yearbook of international law 1963* (Moscow) :509-516, 1965.

The Soviet Union's struggle for general and complete disarmament in 1962-1963.

Sohn, Louis B. Basic problems of disarmament. *Notre Dame lawyer* (Notre Dame, Ind.) 41: 133-151, 1965.

United Nations Association of Great Britain and Northern Ireland. A policy for disarmament. [London, 1965] 22 p.

Willot, Albert. Le désarmement général et complet; une approche. Bruxelles [1965] 137 p. (Brussels. Université libre. Institut de Sociologie Solvay. Études de science politique).

Wolfe, Thomas W. Soviet attitude towards arms control and disarmament. *Temple law quarterly* (Philadelphia) 38:123-132, 1965/66.

Domestic jurisdiction

Verdross, A. La "compétence nationale" dans le cadre de l'Organisation des Nations Unies et l'indépendance des États. *Revue générale de droit international public* (Paris) 69:314-325, 1965.

Financing

Alting von Geusau, F. A. M. Financing United Nations peace-keeping activities. *Nederlands tijdschrift voor internationaal recht* (Leyden) 12:281-303, 1965.

Amjad Ali, Syed. Implications of the United Nations financial crisis. *Pakistan horizon* (Karachi) 18:20-27, 1965, no. 1.

Bell, Joel I. A legal analysis of Article 19 of the United Nations Charter. *McGill law journal* (Montreal) 11:148-162, 1965.

Bernhardt, Rudolf. Die Finanzkrise der UN in völkerrechtlicher Sicht. *Vereinte Nationen* (Bonn) 13:117-121, 1965.

Bishop, Peter V. Canada's policy on the financing of U.N. peace-keeping operations. *International journal* (Toronto) 20:463-483, 1965.

Fine, Richard I. Article 19 of the UN Charter: a catalyst of thought. *Revue de droit international, de sciences diplomatiques et politiques* (Genève) 43:25-36, 1965.

Higgins, Terence. The UN financial crisis. *World today* (London) 21:92-95, March 1965.

Lee, Luke T. An alternative approach to Article 19. *American journal of international law* (Washington) 59:872-876, 1965.

Leichter, Otto. Wie endet die Finanz- und Verfassungskrise der UN? *Vereinte Nationen* (Bonn) 13:91-97, 1965.

Sawicki, Jerzy. W sprawie "krysysu finansowego" ONZ. *Sprawy miedzynarodowe* (Warszawa) 18: 25-53, kwiecień 1965.

Financial crisis of the United Nations; legal remarks.

Szaslowski, Richard. Recent financial problems of the United Nations (part II). *Public finance* (The Hague) 20:423-459, 1965.

Summaries in French and German.

Part I appeared in 18:148-183, 1963.

Virally, Michel. La crise des Nations Unies. *Études* (Paris) :603-616, mai 1965.

Friendly relations and co-operation among States

Arangio-Ruiz, Gaetano. Development of peaceful settlement and peaceful change in the United Nations system. *Proceedings of the American Society of International Law*, 59th annual meeting, Washington, D.C., 22-24 April 1965. p. 124-131.

Bowett, D. W. Les conflits territoriaux: nécessité d'une procédure de règlement pacifique. *Revue de droit contemporain* (Bruxelles) 12:9-18, 1965, no. 2.

Buza, László. Az államok szuverén egyenlőségének elve tekintettel politikai szerepük egyenlőtlenségére a nemzetközi életben. *Jogtodományi Közlöny* (Budapest) 20:483-487, 1965.

Principle of sovereign equality of the States regarding the inequality of their political role in international life.

Bystrický, Rudolf. K zásade povinné spolupráce Státú. *Časopis pro mezinárodní právo* (Praha) 9:1-20, 1965.

The principle of obligatory collaboration of States.

Summary in Russian.

Ciobanu, Dan. Principiul egalităţii suverane a statelor. *Justiţia nouă* (Bucureşti) :10-26, 1965, no. 4.

The principle of sovereign equality of States.

Friedmann, Wolfgang. Intervention, civil war and the role of international law. *Proceedings of the American Society of International Law*, 59th annual meeting, Washington, D.C., 22-24 April 1965. p. 67-81.

Glaser, Edwin. Sovereign equality—basic principle of contemporary international law. *Revue roumaine des sciences sociales* (Bucarest) 9:51-64, 1965.

Gonzáles Campos, Julio-Diego. La VI Comisión de la Asamblea general de las Naciones Unidas y el derecho internacional de la coexistencia pacífica. *Revista de la Facultad de Derecho de la Universidad de Madrid* (Madrid) 7:395-441, 1963.

Guerreiro, Ramiro Sarsiva. Notas para un estudo sobre a solução pacífica de controvérsias internacionais. *Boletim da Sociedade Brasileira de Direito Internacional* (Rio de Janeiro) 16:79-91, janeiro-dezembro de 1960. [1963].

Hazard, John N. Co-existence law bows out. *American journal of international law* (Washington) 59:59-66, 1965.

Ishimoto, Yasuo. Wars in the modern law of nations. *Iwanami gendai-ho koza* (Tokyo) 12:71-108, 1965.

In Japanese.

Jakovljević, Bosko. Medunarodni seminar o pravnim načelima miroljubive koegzistencije. *Medunarodni problemi* (Beograd) 17:121-125, 1965, no. 2.

International seminar on the legal principles of peaceful coexistence, Smolenica, 20-24 April 1965.

Jiménez de Aréchaga, Eduardo. La coordination des systèmes de l'ONU et de l'Organisation des États américains pour le règlement pacifique des différends et la sécurité collective. *Recueil des cours de l'Académie de droit international de La Haye 1964* (Leyde) 111:423-526, 1964.

Lee, Luke T. The Mexico City Conference of the United Nations Special Committee on Principles of International Law concerning Friendly Relations and Co-operation among States. *International and comparative law quarterly* (London) 14:1296-1313, 1965.

McWhinney, Edward. Changing international law method and objectives in the era of the Soviet-Western *détente*. *American journal of international law* (Washington) 59:1-15, 1965.

Molodtsov, S. V. Mirnoe uregulirovanie territorial'nykh sporov i voprosov o granitsakh. *Soviet year-book of international law 1963* (Moscow) :70-84, 1965.

Peaceful settlement of territorial disputes and frontier issues.

Summary in English.

Monconduit, François. La note Khrouchtchev du 13 décembre 1963 relative au règlement pacifique des litiges territoriaux. *Annuaire français de droit international 1964* (Paris) 10:38-63, 1965.

Movchan, A. P. Kodifikatsiia mezhdunarodnopravovykh printsipov mirnogo sosushchestvovaniia. *Soviet year-book of international law 1963* (Moscow) :15-30, 1965.

Codification of the international principles of peaceful coexistence.

Summary in English.

Musil, K. Treti zasedani vyboru OSN pro definici agrese. *Časopis pro mezinárodní právo* (Praha) 9:251-252, 1964.

Third session of the Special Committee on the Question of Defining Aggression.

Nawaz, M. K. The doctrine of outlawry of war. *Indian year book of international affairs* (Madras) 13(I):80-111, 1965.

Nestor, Ion. Quelques précisions sur le droit international privé de la coexistence pacifique. *Revue roumaine des sciences sociales* (Bucarest) 9:65-75, 1965.

Obuchi, Niemon. Some problems on conciliation and judicial settlement. *Journal of international law and diplomacy* (Tokyo) 64:1(107)-35(141), 1965, no. 2.

Text in Japanese; summary in English.

Pastor Ridruejo, José Antonio. El arbitraje y el derecho internacional privado de la coexistencia. *Revista español de derecho internacional* (Madrid) 18:20-33, 1965.

Pérez Vera, Elisa. El principio del arreglo pacífico de las controversias y los trabajos del Comité de México de las Naciones Unidas. *Revista española de derecho international* (Madrid) 18: 365-379, 1965.

Radovanović, Ljubomir. Codification of the principles of co-existence; is codification necessary? *Review of international affairs* (Belgrade) 16:20-22, 5 January 1965.

Radovanović, Ljubomir. Codification of the principles of coexistence; the substance of codification. *Review of international affairs* (Belgrade) 16:8-10, 5 February 1965.

Rolin, Henri. Les pays de l'Est et le règlement pacifique des différends internationaux. *Revue belge de droit international* (Bruxelles) 1:376-391, 1965.

Saario, Voitto. Legal aspects on the peaceful settlement of international disputes., *Nordisk tidsskrift for international ret—Acta scandinavica juris gentium* (København) 35:73-80, 1965, fasc. 1-2.

Summers, Lionel M. Present trends in the policy of the United States on the legal settlement of international disputes. *Virginia journal of international law* (Charlottesville) 5:210-209, 1965.

Taoka, Ryoichi. The right of self-defence in international law. *Japan annual of international affairs* (Tokyo) :1-72, 1962 [1963] no. 2; 1-67, 1963-1964 [1965] no. 3.

Vallat, Francis. The peaceful settlement of disputes. *In* Cambridge essays in international law; essays in honour of Lord McNair. London, Stevens, 1965. p. 155-177.

Zotiades, George B. Intervention by treaty right, its legality in present day international law. [1965] 41 p.

Human rights

Arangio-Ruiz, Vincenzo. La Dichiarazione universale dei diritti dell'uomo. *Comunità internazionale* (Padova) 27:3-17, 1965.

Arkad'iev, Ia. Mizhnarodnyĭ rik prav liudyny. *Radians'ke pravo* (Kyiv) 28:109-114, traven'-cherven' 1965, no. 3.

On the International Year for Human Rights.

Aronstein, G. Les Nations Unies et les droits de l'homme. *Journal des tribunaux* (Bruxelles) 80:669, novembre 1965.

Berghe, Pierre L. van den. South Africa; a study in conflict. Middletown, Conn., Wesleyan U. P. [1965] 371 p.

Bokor néSzegö, Hanna. Az emberi jogok kérdése és a nemzetközi jog. *In* Az állampolgárok alapjogai és kötelességei. Budapest, Akadémiai Kiadó, 1965. p. 559-603.

Problems of human rights and international law.

Bokor néSzegö, Hanna. Az ENSZ nök helyzetével foglalkozó bizottságának teheráni ülésszaka. *Jogtudományi Közlöny* (Budapest) 20:409-411, 1965.

The session of the UN Commission on the Status of Women in Teheran.

Burgenthal, Thomas. The United Nations and the development of rules relating to human rights. *Proceedings of the American Society of International Law*, 59th annual meeting, Washington, D.C., 22-24 April 1965. p. 132-139.

Burgoa, Ignacio. Las garantías individuales. 4. ed. México, Editorial Porrúa, 1965. 598 p.

Dimitrijević, Vojin. Prava čoveka u Ujedinjenim nacijama. *Medunarodni problemi* (Beograd) 17: 55-66, 1965, no. 3.

Human rights in the United Nations.
Summaries in English and Russian.

Ezejiofor, Gaius. Protection of human rights under the law. London, Butterworth, 1964. xix, 292 p.

Fédération mondiale des anciens combattants. Institutions pour la protection des droits de l'homme. Paris, 1965. 156 p.

Haider, Shahir Nasir. Fundamental principles of nationality; Article 15th of the Universal Declaration of Human Rights, a comparative study, the Iraqi and the American laws. Baghdad, The Times Printing & Publishing, 1965. 196 p.

Henkin, Louis. The United Nations and human rights. *International organization* (Boston) 19: 504-417, summer 1965.

Jakovljević, Boško. La protection des blessés et malades et le développement du droit international médical. *Revue internationale de la Croix-Rouge* (Genève) 47:109-116, 1965.

Jakovljević, Boško *and* Jovica Patrnogić. XX Medunarodna konferencija Crvenog krsta i humanitarno pravo. *Jugoslovenska revija za medunarodno pravo* (Beograd) 12:420-428, 1965.

La XXème Conférence de la Croix-Rouge et le droit humanitaire.

Kimminich, Otto. Zur Theorie der immanenten Schranken des Asylrechts. *Juristenzeitung* (Tübingen) 20:739-745, 1965.

Leclercq, Jacques. Human rights and social order. *World justice* (Louvain) 7:147-157, 1965-1966, no. 2.

Leiss, Amelia C., *ed.* Apartheid and United Nations collective measures; an analysis. New York, The Carnegie Endowment for International Peace, 1965. viii, 170 p.

Lerner, Natan. The crime of incitement to group hatred; a survey of international and national legislation. New York, World Jewish Congress [1965] 79 p.

Maresca, Adolfo. La protezione internazionale dei combattenti e dei civili; le Covenzioni di Ginevra del 12 Agosto 1949. Milano, A. Giuffrè, 1965. 290 p.

Milojević, Momir. Sveopšta deklaracija o lijudskim pravima i njen pravni značaj. *Jugoslovenska revija za medunarodno pravo* (Beograd) 12:209-224, 1965.

La Déclaration universelle des droits de l'homme et sa portée juridique.

Summary in French.

Nathanson, Nathaniel L. Constitutional problems involved in adherence by the United States to a convention for the protection of human rights and fundamental freedoms. *Cornell law quarterly* (Ithaca, N.Y.) 50:235-253, 1964-65.

Nowakowski, Friedrich. Die Grund- und Menschenrechte in Relation zur strafrichterlichen Gewalt. *Österreichisches Juristenzeitung* (Wien) 20:281-287, 1965.

Rabl, Kurt, *ed.* Das Recht auf die Heimat. Vorträge, Thesen, Kritik. München, Lerche, 1965. 350 p. (Studien und Gesprächen über Heimat und Heimatrecht. Sammel- und Ergänzungsband).

Rimanque, Karel. Human rights; legal implication in an historical and philosophic context. *World justice* (Louvain) 7-170-193, 1965-1966, no. 2.

Selivanoff, George Alexander. Historical review of the rights of the individual in modern international law, 1648-1948. [Ann Arbor, Mich., University Microfilms, 1965] 293 p.

Bibliography: p. 267-293.

Sharma, Surya P. The promotion of international protection of human rights: problems and prospects. *International studies* (New Delhi) 7:262-278, 1965.

Smirnov, S. XVIII sessiia Komissii OON po pravam cheloveka. *Soviet year-book of international law 1963* (Moscow) :523-525, 1965.

The XVIIIth session of the United Nations Commission on Human Rights.

Soubeyrol, J. L'action internationale contre l'apartheid. *Revue générale de droit international public* (Paris) 69:326-369, 1965.

Tillett, Gladys A. Family law and the women of Africa; U.N. Seminar on the Status of Women in Family Law, Lomé, Togo, August 18-31, 1964. *Department of State bulletin* (Washington) 52: 229-233, 15 February 1965.

Tiwari, S. C. Forms of international organization action for the protection of human rights. *Indian year book of international affairs* (Madras) 13(I):28-58, 1965.

Tran Ta. En marge de la Déclaration universelle des Droits de l'Homme. *Revue de droit international, de sciences diplomatiques et politiques* (Genève) 43:342-344, 1965.

Twitchett, K. J. The racial issue at the United Nations; a study of the African States' reaction to the American-Belgian Congo rescue operation of November, 1964. *International relations* (London) 2:830-846, 1965.

Verdoodt, Albert. The present significance of the Universal Declaration of Human Rights. *World justice* (Louvain) 7:158-169, 1965-1966, no. 2.

Waldock, Sir Humphrey. Human rights in contemporary international law and the significance of the European Convention. *In* British Institute of International and Comparative Law. The European Convention on Human Rights; a report of a lecture and conference held on November

23 and 24 by the British Institute of International and Comparative Law at the Law Society's Hall, Chancery Lane, London. London [1965] p. 1-23.

Watson, Liselotte B. Status of medical and religious personnel in international law. *JAG journal* (Washington) 20:41-46, 1965, no. 2.

Werck, Victor. The minority problem and modern international law. *World justice* (Louvain) 7:7-21, 1965-1966, no. 1.

International criminal law

Alekseev, N. S. Otvetstvennost' natsistkikh voennykh prestupnikov. *Pravovedenie* (Leningrad) 9:3-11, 1965, no. 1.

Responsibility of Nazi war criminals.

Carnegie, A. R. Jurisdiction over violations of the laws and customs of war. *British yearbook of international law 1963* (London) 39:402-424, 1965.

Dinstein, Yoram. The defence of "obedience to superior orders" in international law. Leyden, A. W. Sijthoff, 1965. xvi, 278 p.

Garcia-Mora, Manuel R. Crimes against peace in international law. *Kentucky law journal* (Lexington) 53:35-55, 1964/65.

Glaser, S. Quelques observations sur la prescription en matière de la criminalité de guerre. *Revue de droit pénal et de criminologie* (Bruxelles) 45:511, 1965.

Graven, Jean. Les crimes contre l'humanité peuvent-ils bénéficier de la prescription? *Schweizerische Zeitschrift für Strafrecht* (Bern) 81:113-178, 1965.

The legality of Nuremberg. *Duquesne University law review* (Pittsburgh) 4:146-162, 1965.

Marković, Milan. Medunarodna krivična dela. *Jugoslovenska revija za medunarodno pravo* (Beograd) 12:29-46, 1965.

Les crimes internationaux.

Summary in French.

Marković, Milan. Medunarodna krivična dela i ustanova zastarelosti. *Jugoslovenska revija za medunarodno pravo* (Beograd) 12:335-366, 1965.

Les crimes internationaux et l'institution de la prescription.

Summary in French.

Márkus, Ferenc. A háborús és népellenes büntettek elévülésének kérdése és a nemzetközi jog. *Jogtudományi Közölny* (Budapest) 20:1-8, 1965, no. 1-2.

The problem of prescription of war crimes and crimes against people and international law.

Mueller, G. O. W. *and* E. M. Wise, *eds.* International criminal law [Contributors: G. Schwarzenberger and others]. South Hackensack, N. J., Rothman [1965] xvi, 660 p. (New York University. School of Law. Comparative Criminal Law Project. Publications, v. 2).

Poltorak, A. I. Doktrina voennoi neobkhodimosti i obychai voiny. *Pravovedenie* (Leningrad) 9:124-130, 1965, no. 2.

The doctrine of military necessity vs. law and customs of war.

International waterways

André, Jean-Claude. L'évolution du statut des fleuves internationaux d'Afrique noire. *Revue juridique et politique, indépendance et coopération* (Paris) 19:285-310, 1965.

Bourne, C. B. The right to utlize the waters of international rivers. *Canadian yearbook of international law* (Vancouver) 3:187-264, 1965.

Doherty, Kathryn B. Jordan waters conflict. *International conciliation* (New York) :1-66, May 1965, no. 553.

Keilin, A. D. *and* Iu. Ia. Baskin. Mezhdunarodnopravovoi rezhim rek v sotsialisticheskikh stranakh. *Soviet year-book of international law 1963* (Moscow): 180-203, 1965.

International legal régime of rivers in the socialist countries.

Summary in English.

Lessing, Ernst. Das Mekongprojekt—ein bedeutendes Entwicklungsvorhaben. *Vereinte Nationen* (Bonn) 13:130-136, 1965.

Monroe, Elizabeth. The disputed Jordan waters. *New republic* (Washington) 153:15-16, 7 August 1965.

Nakamura, Ko. Some comments on juridical régime of historic waters; in connection with UN document A/CN.4/143. *Hogaku kenkyu* (Tokyo) 38:30-52, April 1965, no. 4.

In Japanese.

Le problème des eaux du Jourdain. *Revue de défense nationale* (Paris) 21:1008-1021, 1965.

Ruzié, David. Le régime juridique de la Moselle. *Annuaire français de droit international 1964* (Paris) 10:764-812, 1965.

Schreiber, Marc. Accord relatif à la Commission du fleuve Niger et à la navigation et aux transports sur le fleuve Niger. *Annuaire français de droit international 1964* (Paris) 10:813-817, 1965.

Stajnov, Petko S. Meždunarodnopravnata reglamentacija po opazvane čistata na meždunarodnite reki. Sofia, Balgarska Akademija na Naukite, 1964. 155 p.

International regulation to protect the purity of international rivers.

Stevens, Geigiana G. Jordan River partition. Stanford, California, 1965. 90 p. (Stanford University. Hoover Institution on War, Revolution and Peace. Hoover Institution studies, 6).

Stjković, Slavko. Razvoj medunarodnog rečnog prava i značaj izgradnje hidroenergetskog i plovidbenog sistema u Derdapu za medunarodnu plovidbu. *Jugoslovenska revija za medunarodno pravo* (Beograd) 12:1-28, 1965.

L'évolution du droit fluvial international et la signification de la construction du système hydro-électrique et de navigation dans les Portes de Fer pour la navigation internationale.

Summary in French.

Wolfrom, Marc. La pollution des eaux du Rhin. *Annuaire français de droit international 1964* (Paris) 10:737-763, 1965.

Law of the sea

Andrassy, Juraj. Potreba dalje kodifikacije prava mora. *Jugoslovenska revija za medunarodno pravo* (Beograd) 12:163-171, 1965.

Nécessité de continuer la codification du droit international de la mer.

Summary in French.

Bos, Maarten. Liberté de la haute mer: quelques problèmes d'actualité. *Nederlands tijdschrift voor internationaal recht* (Leyden) 12:337-364, 1965.

Boyer, Albert. La notion d'eaux territoriales et la Convention de Londres du 9 mars 1964. *Revue générale de droit international public* (Paris) 36:1051-1071, 1965.

British Institute of International and Comparative Law. Developments in the Law of the Sea 1958-1964. London, 1965. v, 208 p. (International law series, 3).

Butler, William E. Soviet concepts of innocent passage. *Harvard International Law Club journal* (Cambridge) 7:113-130, 1965.

Cavaré, Louis. Les problèmes juridiques posés par la pollution des eaux maritimes au point de vue interne et international. Paris, Pedone, 1964. 24 p.

Devaux-Charbonnel, Jean. Le plateau continental du Royaume-Uni et la Convention internationale de Genève de 1958. *Annuaire français de droit international 1964* (Paris) 10:705-717, 1965.

Fleischer, Carl August. Fiskerisonen og kontinentalsokkeln—to overenskomster mellom Norge og Storbritannia og deres bakgrunn. *Nordisk tidsskrift for international ret—Acta scandinavica juris gentium* (København) 35:141-158, 1965.

The fishery zone and the continental shelf; two agreements between Norway and Great Britain and their background.

Friedheim, Robert L. The "satisfied" and "dissatisfied" States negotiate international law; a case study. *World politics* (Princeton) 18:20-41, October 1965.

Garrett, M. T. Issues in international law created by scientific development of the ocean floor. *Southwestern law journal* (Dallas) 19:97-115, 1965.

Ibler, Vladimir. Uz novi Zakon o obalnom moru, vanjskom morskom pojasu i epikontinentalnom pojasu Jugoslavije. *Jugoslovenska revija za medunarodno pravo* (Beograd) 12:321-334, 1965.

La nouvelle loi yougoslave sur la mer territoriale, la zone contiguë et le plateau continental.

Summary in English.

Johnston, Douglas M. The international law of fisheries; a framework for policy-oriented inquiries. New Haven, Yale University Press, 1965. xxiv, 554 p.

Bibliography: p. 511-541.

Kano, Toru. Flags of convenience and the genuine link concept. *Kobe hogaku zasshi* (Kobe) 14: 651-695, March, no. 4.

In Japanese; summary in English.

Krzyzanowski, Ryszard. Prawne problemy podzialu szelfu kontynentalnego. *Sprawy miedzynarodowe* (Warszawa) 18:126-131, kwiecień 1965.

Division of the continental shelf; legal problems.

Lawrence, Keith D. Military-legal considerations in the extension of territorial seas. *Military law review* (Washington) 29:47-95, July 1965.

Mener, Jack-P. Le droit de pêche en mer territoriale au regard des privilèges accordés en 1666 par Charles II d'Angleterre à la ville de Bruges. *Revue belge de droit international* (Bruxelles) 1:431-463, 1965.

Menzel, Eberhard. Der deutsche Festlandsockel in der Nordsee und seine rechtliche Ordnung. *Archiv des öffentlichen Rechts* (Tübingen) 90:1-61, 1965.

Meshera, V. F. *and* I. V. Ivanov. Otnosno pravnata klasifikatsiia na morskite prostranstva. *Pravna misăl* (Sofia) 9:3-13, 1965, no. 5.

Sur la classification juridique des espaces maritimes.

Nafziger, James A. International law—claim to waters beyond three mile limit—air service over Hawaii's interisland channels subject to jurisdiction of C.A.B. as interstate transportation. *Harvard International Law Club journal* (Cambridge) 7:143-152, 1965.

Oda, Shigeru. New development of international maritime law. *Iwanami gendi-ho kòza* (Tokyo) 12:191-224, 1965.

In Japanese.

Pérez Pérez Elisa. Las doce millas como limite maximo de las competencias del estado ribereño. *Revista española de derecho internacional* (Madrid) 18:529-543, 1965.

Reintanz, Gerhard. Aktuálne problémy kontinentálnych podmorských plosin v Európe. *Právny obzor* (Bratislava) 48:193-204, 1965.

Current problems on the continental shelf in Europe.

Seidl-Hohenveldern, Ignaz. Le plateau continental de la République fédérale d'Allemagne. *Annuaire français de droit international 1964* (Paris) 10:717-725, 1965.

Stefanova, Slava. Mezhdunaronopraven rezhim na otkritoto more. Sofia, Nauka i izkustvo, 1965. 265 p.

International legal régime of the high seas.

Takabayashi, Hideo. The role of the three-mile limit rule in international relations. *Kindai hogaku* (Osaka) 14:119-147, May 1965, no. 1-2; 55-58, September 1965, no. 3.

In Japanese.

Takabayashi, Hideo. Trends of modern international law of the sea. *Shiso* (Tokyo) :78-89, December 1965, no. 498.

In Japanese.

Vignes, Daniel. La Conférence européenne sur la pêche et le droit de la mer. *Annuaire français de droit international 1964* (Paris) 10:670-688, 1965.

Volkov, A. A. Pravovoi rezhim rybolovnykh zon. *Soviet year-book of international law 1963* (Moscow) :204-218, 1965.

Legal régime of fishing zones.

Summary in English.

Young, Richard. Offshore claims and problems in the North Sea. *American journal of international law* (Washington) 59:505-522, 1965.

Law of treaties

Dabrowa, Slawomir. O depozytariuszu umovy miedzynarodowej. *Pánstwo i pravo* (Warszawa) 20:591-598, 1965.

The depositary of an international treaty.

Dordević, Aleksandar. Pravila *jus cogens* u predlogu nacrta Konvencije o medunarodnom ugovornom pravu. *Jugoslovenska revija za medunarodno pravo* (Beograd) 12:82-91, 1965.

Les règles impératives dans le projet d'articles sur le droit des traités.

Dordević, Aleksandar. Rad XVII zasedanja Komisije UN za medunarodno pravo na kodifikaciji pravila ugovornog prava. *Jugoslovenska revija za medunarodno pravo* (Beograd) 12:280-294, 1965.

La XVIIème session de la Commission du droit international de l'ONU et la codification du droit des traités.

Fel'dman, D. I. O nekotorykh formakh i sposobakh mezhdunarodopravovogo priznaniia novykh gosudarstv. *Soviet year-book of international law 1963* (Moscow): 129-149,1965.

Some forms and methods of international legal recognition of new States.

Summary in English.

Frankowska, Maria. Z prac Komisji Prawa Miedzynarodowego ONZ; kompetencje organów państwowych do zawarcia umowy miedzynarodowej. *Sprawy miedzynarodowe* (Warszawa) 18: 134-145, lipiec-sierpień 1965, no. 7-8.

On the work of the United Nations International Law Commission; competence of the State organs to conclude international agreements.

Haraszti, György. A nemzetközi szerzödések értelmezésének alapvetö kérdései. Budapest, Közgazdasági és Jogi Kiadó, 1965. 270 p.

Fundamental problems of interpretation of international treaties.

Summary in English.

Hardy, Michael. The United Nations and general multilateral treaties concluded under the auspices of the League of Nations. *British yearbook of international law 1963* (London) 39:425-440, 1965.

Hogg, James F. The International Law Commission and the law of treaties. *Proceedings of the American Society of International Law*, 59th annual meeting, Washington, D.C., 22-24 April 1965. p. 8-14.

Kappeler, Dietrich. Praxis der Depositare multilateraler Staatsverträge gegenüber Vorbehalten. *Schweizerisches Jahrbuch für internationales Recht 1963* (Zürich) 20:21-40, 1965.

Kemper, Manfred *and* J. Kirsten. Die Teilbarkeit völkerrechtlicher Verträge; eine Betrachtung zur 15. Tagung der Völkerrechtskommission der UN. *Staat und Recht* (Berlin) 14:599-617, 1965.

Kyozuka, Sakutaro. Conclusion, entry into force and registration of treaties: draft articles of the International Law Commission. *Kokuren ronso* (Tokyo) :51-92, 1965.

In Japanese.

Mironov, N. V. Sootnoshenie mezhdunarodnogo dogovora i vnutrigosudarstvennogo zakona. *Soviet year-book of international law 1963* (Moscow) :151-170, 1965.

Relationship of international treaty and national law.

Summary in English.

Oddo Atria, A. Efectos del cambio imprevisto de circunstancias en los tratados internacionales. Santiago, Universidad Católica de Chile, 1964. 57 p.

Ofosu-Amaah, G. K. A. Observations on exception clauses in treaties. *University of Ghana law journal* (Accra) 1:110-124, 1964.

Pěchota, Vratislav. Ukončeni platnosti mezinárodních smluv v dusledku použití pravidla o základní změně okolností. *Studie z mezinárodního práva* (Praha) 10:5-24, 1965.

Termination of international treaties due to the application of the rule concerning essential change of circumstances.

Summary in English.

Rohn, Peter. Institutionalism in the law of treaties: a case of combining teaching and research. *Proceedings of the American Society of International Law*, 59th annual meeting, Washington, D. C., 22-24 April 1965. p. 93-98.

Schwarzenberger, Georg. International *jus cogens? Texas law review* (Austin) 43:455-478, 1964/65.

Schwarzenberger, Georg. The problem of international public policy. *Current legal problems 1965* (London) 18:191-214, 1965.

Tunkin, G. *and* B. Nechaev. Pravo dogovorov na XVI sessii Komissii Mezhdunarodnogo prava OON. *Sovetskoe gosudarstvo i pravo* (Moskva) 35:70-77, mart 1965.

On the right to conclude treaties, as discussed at the 16th session of the International Law Commission.

Ustor, Endre. Uj fejlemények régi szarzódések körül; a Népszövetség idejében köttöt többoldalú szerződésekhez való csatlakozás kérdése. *Jogtudományi közlöny* (Budapest) 20:202-207, 1965, no. 5.

New developments around old treaties; problem of accession to multilateral treaties concluded in the time of the League of Nations.

Visscher, Paul de. Droit et jurisprudence belges en matière d'inexécution des conventions internationales. *Revue belge de droit international* (Bruxelles) 1:125-140, 1965.

Membership and representation

Association of the Bar of the City of New York. The international position of Communist China; background papers and proceedings of the fifth Hammarskjöld forum [by] O. E. Clubb and E. Seligman. Editor L. M. Tondel, Jr. Dobbs Ferry, N. Y., Oceana Publications, 1965. 116 p. (Hammarskjöld forums; case studies on the role of law in the settlement of international disputes, 5, 1963).

Bibliography: 73-113.

Avramov, Smilja. Pravo dobrovoljnog istupanja iz Ujedinjenih nacija; sa posebnim osvrtom na slucaj Indonezije. *Medunarodni problemi* (Beograd) 17:53-62, 1965, no. 2.

The right of voluntary withdrawal from the United Nations; with particular reference to the case of Indonesia.

Dehousse, Fernand. Le droit de retrait aux Nations Unies. *Revue belge de droit international* (Bruxelles) 1:30-48, 1965.

Ishimoto, Yasuo. Withdrawal of membership from the United Nations. *Kokusai mondai* (Tokyo): 34-41, 1965, no. 60.

In Japanese.

Leichter, Otto *and* Iosef Soder. Indonesien verlässt die Vereinte Nationen. *Vereinte Nationen* (Bonn) 13:49-50, 1965.

Livingstone, Frances. Withdrawal from the United Nations; Indonesia. *International and comparative law quarterly* (London) 14:637-646, 1965.

Manno, Catherine Senf. Problems and trends in the composition of nonplenary UN organs. *International organization* (Boston) 19:37-55, winter 1965.

Mezerik, A. G., *ed.* China: representation in the UN. *International review service* (New York) 11:1-117, 1965, no. 85.

Mingawa, Takeshi. Problems of representation in the United Nations. *Jochi daigaku hogaku Ronshu* (Tokyo) 8:97-119, October, 1964, no. 2.

In Japanese.

Misra, K. P. Succession of States: Pakistan's membership in the United Nations. *Canadian yearbook of international law* (Vancouver) 3:281-289, 1965.

Myslil, S. Pravni aspekty vystoupeni Indonésie z OSN. *Časopis pro mezinárodní právo* (Praha) 9:243-247, 1964.

Legal aspects of Indonesia's withdrawal from the United Nations.

Nef, Max. Beziehungen der Schweiz zu den internationalen Organisationen als Nichtmitglied der Vereinten Nationen. *Europa-Archiv* (Bonn) 20:625-632, 1965.

Šahović, Milan. Pravni aspekti istupanja Indonezije iz Ujedinjenih nacija. *Medunarodni problemi* (Beograd) 17:63-67, 1965, no. 2.

Legal aspects of Indonesia's withdrawal from the United Nations.

Scerni, Mario. Aspetti giuridici del ritiro dalle Nazioni Unite. *Comunità internazionale* (Padova) 20:227-244, 1965.

Soder, Josef. Ausschluss Südafrikas und Portugals aus den Vereinten Nationen? *Vereinte Nationen* (Bonn) 12:103-106, 1964.

Sonnenfeld, Renata. Czlonkostwo ONZ; zagadnienia rozwoju i implikacje wzrostu. *Sprawy miedzynarodowe* (Warszawa) 18:46-64, listopad 1965.

UN membership; development and implications of growth.

Tabata, Shigejiro. Representation of China and two-thirds majority formula. *Asahi journal* (Tokyo) 7:97-102, 10 January 1965.

In Japanese.

Unni, A. C. C. Indonesia's withdrawal from the United Nations. *Indian journal of international law* (New Delhi) 5:128-146, 1965.

Non-governmental organizations

Rotkirch, H. Participation of non-governmental organizations in the regional economic commissions of the Economic and Social Council of the United Nations. Cambridge, Mass., 1965, 142 p.

Outer space

Bloomfield, Lincoln P. Outer space and international cooperation. *International organization* (Boston) 19:603-621, summer 1965.

Bodenschatz, Manfred. Vorschläge zu einem internationalen Haftungsabkommen betreffend Schäden, verursacht durch Raumfahrzeuge, insbesondere im Hinblick auf die Tätigkeit privater Halter. *Zeitschrift für Luftrecht und Weltraumrechtsfragen* (Köln) 14:312-318, 1965.

Chandrasekharan, M. The Gemini Space Programme and the manned orbiting laboratory in space; an appraisal. *Indian journal of international law* (New Delhi) 5:334-341, 1965.

Chaumont, Charles-M. Orientation actuelle du droit de l'espace. *Revue générale de l'air et de l'espace* (Paris) 28:7-14, 1965.

Chaumont, Charles-M. La résolution de Bruxelles de l'Institut de droit international sur le droit de l'espace. *Revue belge de droit international* (Bruxelles) 1:15-29, 1965.

Cheng, Bin. The extra-terrestrial application of international law. *Current legal problems 1965* (London) 18:132-152, 1965.

Cheng, Bin. United Nations resolutions on outer space: "instant" international customary law? *Indian journal of international law* (New Delhi) 5:23-48, 1965.

Cocca, Aldo Armando. Tres cuestiones en derecho espacial: cosmonautas, vehiculos y cuerpos celestes. *Aequitas* (Buenos Aires) 6:354-393, 1965.

Colloquium on the law of outer space, September 9-10, 1964, Seventh. Warsaw. Proceedings. Sponsored by the International Astronautical Federation and the International Institute of Space Law. Ed. by A. G. Haley and Mortimer D. Schwartz. South Hackensack, N. J., Rothman, 1965. 425 p.

Cooper, John Cobb. The manned orbiting laboratory: a major legal and political decision. *American Bar Association journal* (Chicago) 51:1137-1140, 1965.

Corrigan, Matthew J. Outer space lawyers: eagles or turtles? *American Bar Association journal* (Chicago) 51:858-862, 1965.

Delmas-Saint-Hilaire, J.-P. Réflexions sur le droit pénal aérien et de l'espace. *Revue générale de l'air et de l'espace* (Paris) 28:84-91, 1965.

Evans, F. T. *and* H. D. Howard. Outlook on space. London, Allen and Unwin, 1965. 179 p.

Fasan, Ernst. Weltraumrecht. Mainz, Krausskopf-Flugwelt-Verlag [1965] 234 p.

Fitzgerald, Gerald F. The participation of international organizations in the proposed international agreement on liability for damage caused by objects launched into outer space. *Canadian yearbook of international law* (Vancouver) 3:265-280, 1965.

Fruchterman, Richard L. Introduction to space law. *JAG journal* (Washington) 20:9-14, 1965, no. 1.

Gál, Gy. Space law science in Hungary. *Acta juridica* (Budapest) 7:177-179, 1965.

Galloway, Eilene. International regulation of outer space activities. *Bulletin of the atomic scientists* (Chicago) 21:36-39, February 1965.

Goldie, L. F. E. Liability for damage and the progressive development of international law. *International and comparative law quarterly* (London) 14:1189-1264. 1965.

Gotlieb, A. E. Nuclear weapons in outer space. *Canadian yearbook of international law* (Vancouver) 3:3-35, 1965.

Homburg, Robert. Droit de l'espace. *Revue générale de l'air et de l'espace* (Paris) 28:393-399, 1965.

Jaffe, Morton S. Recent developments in the international law of space: observations at another station. *Temple law quarterly* (Philadelphia) 38:263-278, 1965.

Jenks, C. Wilfred. Le droit de l'espace commence à se concrétiser. *Schweizerisches Jahrbuch für internationales Recht 1963* (Zürich) 20:11-18, 1965.

Jenks, C. Wilfred. Space law. New York, Praeger, [1965] xviii, 476 p.

Bibliography. The legal literature: p. 95-179.

Kido, Masahiko. Exercise of the right of self-defence in outer space. *Ehime daigaku kiyo* (Ehime) 5:19-30, 1965, no. 1.

In Japanese.

Kido, Masahiko. Some features of the law of outer space. *Journal of international law and diplomacy* (Tokyo) 63:41-64, 1965, no. 5.

In Japanese; summary in English.

Kos-Rabcewicz-Zubkowski, L. La notion soviétique du droit international spatial. *Revue française de droit aérien* (Paris) 19:190-200, avril-juin 1965.

Krstić, Durica. Stvaranje novog prava kosmičkog prostora. *Jugoslovenska revija za medunarodno pravo* (Beograd) 12:429-432, 1965.

Naissance du droit de l'espace cosmique.

Kucherov, Samuel. The USSR and sovereignty in outer space. *Bulletin. Institute for the Study of the USSR* (Munich) 12:25-33, February 1965.

Machowski, Jacek. Paragrafy dla kosmosu. Warszawa, Pánswowe Wydawn. Naukowe, 1965. 151 p.

Paragraphs for the outer space.

Meloni, Giovanni. Principi generali di diritto internazionale dello spazio. Sassari, University of Sassari, 1964. 126 p.

Meyer, Alex. Air space sovereignty and outer space developments. *Zeitschrift für Luftrecht und Weltraumrechtsfragen* (Köln) 14:296-311, 1965.

Parallel text in German.

Meyer, Alex. Space law and government; considerations on the book with the same title by Andrew G. Haley. *Zeitschrift für Luftrecht und Weltraumrechtsfragen* (Berlin) 14:2-43, 1965.

Parallel text in German.

Niciu, Marţian. Unele consideraţii cu privire la statutul juridic al corpurilor cereşti. *In* Studia Universitatis Babes-Bolyai. Series Jurisprudentia. Cluj, 1965. p. 45-57.

Some considerations on the legal status of celestial bodies.

Papacostas, Alkis-Vassiliou. The law of space. Athens, The author, 1965. 112 p.

In Greek.

Poulantzas, Dionyssios M. Einige Betrachtungen über die Beilegung von durch Tätigkeiten im Weltraum entstehenden Streitfällen. *Zeitschrift für Luftrecht und Weltraumrechtsfragen* (Köln) 14:319-322, 1965.

Poulantzas, Nicholas M. Development or retrogression of international law in view of outer space activities? *Diritto aereo* (Roma) 4:151-156, 1965, no. 14-15.

Summary in Italian.

Rybakov, IU. Rassmotrenie v organakh OON v 1962-1963 gg. pravovykh voprosov osvoeniia kosmosa. *Soviet year-book of international law 1963* (Moscow) :519-523, 1965.

Examination by UN agencies of questions of space law in 1962-1963.

Sauveplanne, J. G. Freedom and sovereignty in air- and outer space. *Nederlands tijdschrift voor internationaal recht* (Leyden) 12:228-250, 1965.

Sontag, Peter-Michael. Der Erwerb von Hoheitsbereichen in Weltraum und auf Himmelkörpern. *Jahrbuch für internationales Recht* (Göttingen) 12:272-300, 1965.

Sontag, Peter-Michael. Recht im Weltraum. *Juristenzeitung* (Tübingen) 20:484-487, 1965.

Szádeczky-Kardoss, László. A világürkutatás egyes állampénzügyi és jogi vonatkozásai. *Pénzügyi szemle* (Budapest) 9:147-155, 1965.

Some fiscal and juridical aspects of space exploration.

Szádeczky-Kardoss, László. The scientific activity of the Space Law Committee of the Hungarian Lawyers' Association. *Hungarian law review* (Budapest) 8:27-34, 1965, no. 1.

Sztucki, Jerzy. Problemy prawne kosmosu. Warszawa, Polski Instytut Spraw Miedzynarodowych, 1965. 176 p.

Legal problems of the cosmos.

Valladão, Haroldo. Do direito aéreo ao direito interplanetário. *Boletim da sociedade brasileira de direito internacional* (Rio de Janeiro) 18:31-40, 1962 [1965].

Zemanek, K. The United Nations and the law of outer space. *Yearbook of world affairs* (London) 19:199-222, 1965.

Zhukov, G. Problema otvetstvennosti za ushcherb v kosmicheskom prave. *Sovetskoe gosudarstvo i pravo* (Moskva) 35:67-73, iiun' 1965, no. 6.

Liability in space law.

Zukow, Gennadij. Etapy i perspektywy rozwoju prawa kosmicznego. *Sprawy miedzynarodowe* (Warszawa) 18:54-66, styczeń 1965.

Stages and perspectives of the development of space law.

Peace-keeping

Carrillo Salcedo, Juan Antonio. Consideraciones sobre el fundamento, naturaleza y significado de las operaciones de las Naciones Unidas destinidas al mantenimiento de la paz. *Revista española de derecho internacional* (Madrid) 18:164-174, 1965.

Goodrich, Leland M. The maintenance of international peace and security. *International organization* (Boston) 19:429-443, summer 1965.

Higgins, Rosalyn. United Nations peace-keeping; political and financial problems. *World today* (London) 21:324-337, August 1965.

Joyce, James Avery. Peace-keeping: a new chapter? *Contemporary review* (London) 206:121-126, March 1965.

Lerche, Charles O. Development of rules relating to peacekeeping by the Organization of American States. *Proceedings of the American Society of International Law*, 59th annual meeting, Washington, D. C., 22-24 April 1965. p. 60-66.

Mahnke, H. H. Das Problem der Einheit der Völkerrechtsgemeinschaft und die Organisation der internationalen Sicherheit. Berlin, Duncker und Humblot, 1965. 250 p.

Mehta, Swadesh. The organization of an international force: the Indian view. *International studies* (New Delhi) 7:205-227, 1965.

Münch, Fritz. Neue Entwicklung der Formen der Friedenssicherung. *Archiv des Völkerrechts* (Tübingen) 12:158-172, 1965.

National Citizens' Commission on International Cooperation. Committee on Peacekeeping Operations. Report [prepared for presentation at the White House Conference on International Cooperation] Washington, 1965. 24 p.

Russell, Ruth B. Development by the United Nations of rules relating to peacekeeping. *Proceedings of the American Society of International Law*, 59th annual meeting, Washington, D.C., 22-24 April 1965. p. 53-60.

Singh, Baljit *and* Harold S. Johnson. Collective security within the United Nations. *United Asia* (Bombay) 17:170-180, May-June 1965.

Sohn, Louis B. Propositions pratiques pour assurer la paix mondiale. *Politique étrangère* (Paris) 30: 245-258, 1965.

United Nations Association in Canada. Policy Committee. The future of UN peace-keeping; a policy paper. Toronto, 1965. 48 p.

Wright, Quincy. Peace-keeping operations of the United Nations. *International studies* (New Delhi) 7:169-204, 1965.

Permanent sovereignty over natural resources

Amerasinghe, C. F. L'expropriation des compagnies pétrolières de Ceylan et le droit international. *Revue générale de droit international public* (Paris) 69:395-428, 1965.

Brehme, Gerhard. Die ständige Souveränität über die natürlichen Reichtümer und Hilfsquellen—fester Bestandteil des Selbstbestimmungsrechts der Völker. *In* Arzinger, R. Völkerrechtliche Probleme der jungen Nationalstaaten. Berlin, Staatsverlag der Deutschen Demokratischen Republik, 1965. p. 61-90.

Weinstein, Peter D. The attitude of the capital importing nations towards the taking of foreign-owned private property. *Indian journal of international law* (New Delhi) 5:113-127, 1965.

Political and security questions

Aich, Prodosh. Die Grundprobleme des Kaschmir-Konfliktes. *Vereinte Nationen* (Bonn) 13: 157-165, 1965.

Baron, Leo S. Southern Rhodesia and the rule of law. *Journal of the International Commission of Jurists* (Geneva) 6:219-244, 1965, no. 2.

Ermacora, Felix. The minorities problem in South Tyrol. *World justice* (Louvain) 7:34-47, 1965-66.

Kopal, Vladimír. Kyperská otázka a OSN. *Časopis pro mezinárodní právo* (Praha) 9:21-41, 1965, No. 1.

The problem of Cyprus and the United Nations.

Summary in English.

Rabl, Kurt. Harmony and disharmony of basic UN Charter concepts; some notes on the Goa issue. *Indian yearbook of international law* (Madras) 13(I):3-27, 1965.

Singh, Biswanath. The position of Tibet in international law. *Indian journal of political science* (Bhubaneswar) 26:57-69, April-June 1965.

Yoo, Tae-ho. The Korean war and the United Nations; a legal and diplomatic historical study. Louvain, Librairie Desbarax, 1965. 215 p.

Bibliography.

Privileges and immunities

Abdul Huq, A. W. M. United Nations status and immunities; member representatives, officials, armed forces, other personnel and other international organizations. [Ann Arbor, Mich., University Microfilms, 1965] 450 p.

Bibliography: p. 430-450.

Blum, Y. Z. Privileges and immunities of UN officials in Israel. *Hapraklit* (Tel Aviv) 21:190-197, February 1965.

In Hebrew; summary in English.

Stoll, Jean Aimé. Le statut juridique du Représentant résident du Bureau de l'Assistance technique des Nations Unies dans l'État où il est accrédité. *Annuaire français de droit international 1964* (Paris) 10:514-536, 1965.

Progressive development and codification of international law (in general)

Bartoš, Milan. Work on codification of international law. *Review of international affairs* (Belgrade) 16:17-19, 20 November 1965.

Briggs, Herbert Whittaker. The International Law Commission. Ithaca, N.Y., Cornell University Press, 1965. xv, 380 p.

Dehaussy, Jacques. Travaux de la Commission du droit international des Nations Unies. *Annuaire français de droit international 1964* (Paris) 10:497-514, 1965.

Freeman, Alwyn V. The contribution of the Inter-American Juridical Committee and the Inter-American Council of Jurists to the codification and development of international law. *Proceedings of the American Society of International Law*, 59th annual meeting, Washington, D.C., 22-24 April 1965. p. 14-28.

Higgins, Rosalyn. The development of international law by the political organs of the United Nations. *Proceedings of the American Society of International Law*, 59th annual meeting, Washington, D. C., 22-24 April 1965. p. 116-124.

Hoyt, Edwin C. The contribution of the International Law Commission. *Proceedings of the American Society of International Law*, 59th annual meeting, Washington, D.C., 22-24 April 1965. p. 2-8.

Ionasco, Traian. Le rôle des organisations internationales et, plus spécialement, de l'ONU, en ce qui concerne le développement du droit international. *Revue roumaine des sciences sociales* (Bucarest) 9:207-222, 1965.

Jongbloet-Hamerlijnck, R. De Commissie voor internationaal recht. *Internationale spectator* ('s-Gravenhage) 19:186-199, 8 februari 1965; 348-360, 8 maart 1965.

Lee, Luke T. The International Law Commission re-examined. *American journal of international law* (Washington) 59:545-569, 1965.

Lissitzyn, Oliver J. Le droit international dans un monde divisé. *Revue générale de droit international public* (Paris) 36:917-976, 1965.

Lissitzyn, Oliver J. International law today and tomorrow. Dobbs Ferry, N. Y., Oceana Publications, 1965. x, 133 p.

Malintoppi, Antonio. Le Nazioni Unite e la unificazione internazionale del diritto interno. *Rivista di diritto internazionale* (Milano) 48:243-251, 1965.

Movchan, A. P. O znachenii kodifikatsii printsipov mezhdunarodnogo prava. *Sovetskoe gosudarstvo i pravo* (Moskva) 35:46-55, ianvar' 1965.

Significance of the codification of principles of international law in the framework of the United Nations.

Nechaev, B. XIV sessiia Komissii mezhdunarodnogo prava OON. *Soviet year-book of international law 1963* (Moscow): 525-532, 1965.

The XIVth session of the United Nations International Law Commission.

Rosenne, Shabtai. Relations between governments and the International Law Commission. *Yearbook of world affairs* (London) 19:183-198, 1965.

Šahović, Milan. Doprinos Ujedinjenih nacija razvoju medunarodnog prava. *Medunarodni problemi* (Beograd) 17:39-54, 1965, no. 3.

United Nations contribution to the development of international law.

Summaries in English and Russian.

Starke, Joseph G. The contribution of the League of Nations to the evolution of international law. *Indian yearbook of international affairs 1964* (Madras) 13(2):207-226, 1965.

Sukijasović, Miodrag. Sedamnaesto zasedanje Komisije UN za medunarodno pravo. *Medunarodni problemi* (Beograd) 17:123-144, 1965, no. 3.

Seventeenth session of the UN International Law Commission.

Ustor, Endre. A nemzetközi jog fokozatos fejlesztése és az ENSZ. *Jogtudományi Közlöny* (Budapest) 20:487-496, 1965.

Progressive development of international law and the United Nations.

Refugees

Grahl-Madsen, Atle. Further development of international refugee law. *Nordisk tidsskrift for international ret—Acta scandinavica juris gentium* (København) 35:159-171, 1965.

Holborn, Louise W. International organizations for migration of European nationals and refugees. *International journal* (Toronto) 20:331-349, 1965, no. 3.

Rule of law

Douglas, W. O. The rule of law in world affairs. *Washington law review* (Seattle, Wash.) 40: 673-684. 1965.

International Congress of Jurists, Rio de Janeiro, 1962. Executive action and the rule of law; a report on the proceedings. Geneva, International Commission of Jurists [1965] 187 p.

Jenks, C. Wilfred. Law and the pursuit of peace. *Indian journal of international law* (New Delhi) 5:1-8, 1965.

Rhyne, Charles S. The Washington World Conference on world peace through law. *Indian journal of international law* (New Delhi) 5:493-500, 1965.

Santos, Guillermo S. The rule of law in unconventional warfare. *Philippine law journal* (Manila) 40:455-474, 1965.

South-East Asian and Pacific Conference of Jurists, Bangkok, 1965. The dynamic aspects of the rule of law in the modern age; report on the proceedings. Geneva, International Commission of Jurists [1965] 192 p.

Self-determination

Arden, Joseph Jay. The political development of Western Samoa from mandate to independence. [Ann Arbor, Mich., University Microfilms, 1965] 287 p.

Blittersdorff Winfrich, Freiherr von. Das internationale Plebiszit; praktische Fragen und Technik der Verwiklichung des Selbstbestimmungsrechts. Hamburg, 1965. 285 p.

Bokor [Péter] né Szegö, Hanna. Az önrendelkezési jog menzetközi jogi tartalma a gyarmati rendszer felbomlásának tükrében. *Állam-čés Jogtudomány* (Budapest) 8:330-359, 1965.

International law content of the right to self-determination as reflected by the decline of colonial system.

Summary in French.

Bonnichon, André. The principle of nationalities and the implied ethical requirements. *World justice* (Louvain) 7:22-33, 1965-66.

Emerson, Rupert. Colonialism, political development, and the UN. *International organization* (Boston) 19:484-503, summer 1965.

Faro, Luiz de. O princípio da autodeterminação na política contemporãnea. *Boletim da sociedade brasileira de direito internacional* (Rio de Janeiro) 18:5-16, 1962 [1965].

Giglio, Carlo. Colonizzazione e decolonizzazione. Cremona, Giani Mangiarotti [1965] 525 p.

Glaser, Edwin. Unele aspecte de drept internațional ale luptei impotriva neo-colonialismului. *Justiția nouă* (București) :47-61, 1965, no. 11.

Some international law aspects of the struggle against neo-colonialism.

Grimal, Henri. La décolonisation, 1919-1963. Paris, Armand Colin, 1965. 407 p. (Collection U: Sér. Histoire contemporaine).

Bibliography.

Hurewitz, J. C. The UN and disimperialism in the Middle East. *International organization* (Boston) 19:749-763, summer 1965.

Iunin, M. Rassmotrenie v organakh OON v 1962g. voprosa ob osushchestvlenii Deklaratsii o predostavlenii nezavisimosti kolonial'nym stranam i narodam. *Soviet year-book of international law 1963* (Moscow) :516-519, 1965.

Examination by UN agencies in 1962 of the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples.

Miaja de la Muela, Adolfo. Aspectos juridicos del proceso descolonizador en la Organización de las Naciones Unidas. *Revista de derecho español y americano* (Madrid) 10:11, 1965.

Miaja de la Muelle, Adolfo. La emancipación de los pueblos coloniales y el derecho internacional. *Separata* de Anales de la Universidad de Valencia, volumen XXXIX (1965-66) cuaderno 1, Valencia, 1965. 182 p.

Nawaz, M. K. The meaning and range of the principle of self-determination. *Duke law journal* (Durham, N. C.) :82-101, 1965.

Rabl, Kurt, *ed.* Ausgewählte Gegenwartsfragen zum Problem der Verwiklichung des Selbstbestimmungsrechts der Völker. Vorträge und Aussenprachen. München, Lerche, 1965. 272 p. (Studien und Gespräche über Selbstbestimmung und Selbstbestimmungsrecht, Band 2).

Summary in English.

Radoĭnov, Petko M. Pravni aspekti na borbata sreshtu kolonializma i neokolonializma pri Obedinenite Narodi. *Pravna misŭl* (Sofia) 9:3-13, 1965, no. 4.

Aspects juridiques de la lutte contre le colonialisme et le néocolonialisme à l'ONU.

Schönfelder, Ingo. Die Deklaration 1514 (XV) über die Gewährung der Unabhängigkeit an die kolonialen Länder und Völker und ihre Verwiklichung durch die UNO. *In* Arzinger, R. Völkerrechtliche Probleme der jungen Nationalstaaten. Berlin, Staatsverlag der Deutschen Demokratischen Republik, 1965. p. 9-30.

Shishkov, Angel T. Suderzhanie na poniatieto pravo na samoopredelenie na kolonialnite i zavisi mite narodi. *Pravna misŭl* (Sofia) 9:67-82, 1965, no. 2.

The nature of the concept of the right of self-determination for colonial and dependent peoples.

Slim, Taieb. The work of the Committee of 24. *In* Annual review of United Nations affairs 1963-1964. New York, Oceana Publications, [c1965] p. 1-12.

Starushenko, G. B. Le principe d'autodétermination des peuples et des nations dans la politique étrangère de l'État soviétique. Tr. du russe par S. Glasov. Moscou, Éditions du Progrès [1964] 205 p.

Sud, Usha. Committee on Information from Non-self-governing Territories: its role in the promotion of self-determination of colonial peoples. *International studies* (New Delhi) 7:311-336, 1965.

Suković, Olga. Kolonijalno pitanje u Povelji i praksi Ujedinjenih nacija. *Medunarodni problemi* (Beograd) 17:67-81, 1965, no. 3.

The colonial question in the Charter and practice of the United Nations.

Summaries in English and Russian.

Velazquez, Carlos Maria. Some legal aspects of the colonial problem in Latin America. *Annals of the American Academy of Political and Social Science* (Philadelphia) 360:110-119, July 1965.

Yamate, Haruyuki. Independence of colonies and modern international law. *Iwanami gendai-ho koza* (Tokyo) 12:109-148, 1965.

In Japanese.

Yturriaga Barberán, José Antonio de. Desarrollo de las disposiciones de la Carta relativas a los territorios no autónomos a través de la práctica de la ONU. *Revista española de derecho internacional* (Madrid) 16:33-60, 1963.

Social defence

Naget, W. H. International collaboration in the field of criminology. *In* Le droit pénal international; recueil d'études en hommage à J. M. van Bemmelen. Leiden, Brill, 1965. p. 193-222.

Schubert, Ladislav. Poznámky z III. kongresu OSN zabývajícího se předcházením kriminalitě a zacházením s pachateli, konaného ve Stockholmu ve dnech 9.—18. 8. 65. *Právnik* (Praha) 54: 956-960, 1965.

Notes on the Third United Nations Congress on the Prevention of Crime and the Treatment of Offenders, held in Stockholm from 9 to 18 August 1965.

State succession

Avakov, M. Pravopreemstvo pri vozniknovenii novykh nezavisimykh gosudarst Azii i Afriki. *Sovetskoe gosudarstvo i pravo* (Moskva) 36:129-132, ianvar' 1966, no. 1.

State succession in the case of newly emerged nations of Asia and Africa.

Dabrowa, Slawomir. Nowe państwa a umowy miedzynarodowe. *Sprawy miedzynarodowe* (Warszawa) 18:77-94, 1965, no. 6.

New States and international agreements.

Dordević, Stevan. Sukcesija država i svojstvo članice Ujedinjenih nacija. *Jugoslovenska revija za medunarodno pravo* (Beograd) 12:248-258, 1965.

La succession d'États et la qualité de membre des Nations Unies.

Esgain, Albert J. Military servitudes and the new nations. *In* O'Brien, William V. ed. The new nations in international law and diplomacy. New York, Frederick A. Praeger, 1965. p. 42-97 (Georgetown University, Washington. School of Foreign Service. Institute of World Polity. Yearbook of world polity, v. 3).

Franck, Thomas M. Some legal problems of becoming a new nation. *Columbia journal of transnational law* (New York) 4:13-27, 1965.

International Law Association. Committee on State Succession to Treaties and other Governmental Obligations. The effect of independence on treaties; a handbook. London, Stevens, 1965. xv, 391 p.

Klimenko, B. M. Kritika burzhuaznoi teorii mezhdunarodnykh servitutov. *Soviet year-book of international law 1963* (Moscow) :219-235, 1965.

Critique of the bourgeois theories on international servitudes.

Summary in English.

O'Connell, D. P. Independence and problems of State succession. *In* O'Brien, William V. ed. The new nations in international law and diplomacy. New York, Frederick A. Praeger, 1965. p. 7-41 (Georgetown University, Washington. School of Foreign Service. Institute of World Polity. Yearbook of world polity, v. 3).

O'Connell, D. P. State succession and the effect upon treaties of entry into a composite relationship. *British yearbook of international law 1963* (London) 39:54-132, 1965.

Tabata, Shigejiro. Newly-independent Afro-Asian countries and international law. *Shiso* (Tokyo): 9-25, 1965, no. 496.

In Japanese.

Statelessness

Vilkov, G. E. Mezhdunarodnopravovoe regulirovanie voprosov bezgrazhdanstva. *Soviet yearbook of international law 1963* (Moscow) :260-270, 1965.

International legal regulation of statelessness.

Summary in English.

Technical assistance

Borisov, K. Mezhdunarodnopravovye aspekty "program tekhnicheskoi pomoshchi". *Pravovedenie* (Leningrad) 9:145-148, 1965, no. 4.

Technical assistance programs in international law.

Fischer, Georges. L'assistance technique dans le domaine du droit international. *Annuaire français de droit international 1964* (Paris) 10:2-37, 1965.

Jones, Joseph Marion. The United Nations at work; developing land, forests, oceans... and people. Foreword by P. G. Hoffman. Oxford, Pergamon Press [1965] 238 p.

Sharp, Walter R. The administration of United Nations operational programs. *International organization* (Boston) 19:581-602, summer 1965.

Stojanović, Radoslav. Pomoć zemljama u razvoju preko Ujedinjenih nacija i razvoj sistema kolektivne bezbednosti. *Jugoslovenska revija za medunarodno pravo* (Beograd) 12:235-247, 1965.

L'aide aux pays en voie de développement par l'intermédiaire des Nations Unies et l'évolution du système de la sécurité collective.

Summary in French.

Trade and development

Blough, Roy. The furtherance of economic development. *International organization* (Boston) 19:562-580, summer 1965.

Bystrický, Rudolf. Mezinárodněprávní aspekty konference OSN o obchodu a rozvoji. *Časopis pro mezinárodní právo* (Praha) 9:1-20, 1965, no. 1.

The international law aspects of the UN Conference on Trade and Development.

Summary in Russian.

Kawada, Tadashi. Development of international economic order. *Iwanami gendai-ho koza* (Tokyo) 12:149-189, 1965.

In Japanese.

Möhler, Rolf. Die Welthandelskonferenz—eine neue Organisation der UNO. *Vereinte Nationen* (Bonn) 13:61-64, 1965.

Thompson, Dennis, ed. The expansion of world trade; legal problems and techniques. London, British Institute of International and Comparative Law, 1965. 81 p. (British Institute of International and Comparative Law. International law series, 4).

Trusteeship

Leroy, Paul. La nature juridique des accords de tutelle. *Revue générale de droit international public* (Paris) 69:977-1018, 1965.

Rauschning, Dietrich. Das Ende des Treuhandsystems der Vereinten Nationen durch die Staatwerdung der ihm unterstellten Gebiete. *Jahrbuch für internationales Recht* (Göttingen) 12: 158-185, 1965.

C. Inter-Governmental Organizations related to the United Nations

1. General

Evans, Luther H. The United Nations family of agencies: origins and relationship. *In* Cordier, A. W. and W. Foote, eds. The quest for peace. New York, Columbia University Press, 1965. p. 355-382.

McKitterick, Nathaniel M. U.S. diplomacy in the development agencies of the United Nations [an international Committee report] Washington, 1965. 67 p. (National Planning Association. Planning pamphlet, 122).

Račić, Obrad. O ugovornoj osnovi odnosa izmedu Ujedinjenih nacija i specijalizovanih ustanova. *Jugoslovenska revija za medunarodno pravo* (Beograd) 12:225-234, 1965.

La base contractuelle des relations entre les Nations Unies et les institutions spécialisées.

Summary in English.

Saba, Hanna. L'activité quasi législative des institutions spécialisées des Nations Unies. *Recueil des cours de l'Académie de droit international de La Haye 1964* (Leyde) 111:607-690, 1964.

Takano, Yuichi *and* Wakamizu Tsutsui. The law of international economic institutions. Tokyo, Tokyo University Press, 1965. 333 p.

In Japanese.

2. *Particular organizations*

Food and Agriculture Organization of the United Nations

Abensour, E. S. The Legislative Research Branch of the Food and Agriculture Organization of the United Nations. *American Bar Association journal* (Chicago) 51:984-986, 1965.

General Agreement on Tariffs and Trade

Kunugi, Tatsuro. State succession in the framework of GATT. *American journal of international law* (Washington) 59:268-290, 1965.

Inter-Governmental Maritime Consultative Organization

Andrei, E. Aderarea Republicii Socialiste România la OACI şi IMCO. *Justiţia nouă* (Bucureşti) 21:173, 1965, no. 11.

Romania's membership of ICAO and IMCO.

Kano, Toru. The Constitution of the Maritime Safety Committee of IMCO. *Journal of international law and diplomacy* (Tokyo) 63:1-16, March 1965, no. 6.

In Japanese; summary in English.

International Atomic Energy Agency

Aspects du droit de l'énergie atomique. Tome I. Responsabilité, assurance, transport. Published under the auspices of Centre français de droit comparé, sous la direction de H. Puget. Paris, Centre national de la recherche scientifique, 1965. 348 p.

Bibliography.

Balekjian, Wahé H. Les rapports de l'Agence internationale de l'énergie atomique avec les autres organisations internationales. *Revue générale de droit international public* (Paris) 69:76-100, 1965.

Bauer, Maria. Zur Durchsetzung des völkerrechtlichen Prinzips der friedlichen internationalen Zusammenarbeit in der Internationalen Atomenergieorganisation (IAEO). Berlin, 1964. 218 p. (Microfilm).

Cigoj, Stojan. International regulation of civil liability for nuclear risk. *International and comparative law quarterly* (London) 14:809-844, 1965. Also in: *Atomic energy law journal* (Boston) 7:203-258, 1965.

Dunshee de Abranches, C. A. Problemas jurídicos relacionados com os usos pacíficos da energia nuclear. *Boletim da Sociedade Brasileira de Direito Internacional* (Rio de Janeiro) 16:59,78, janeiro-dezembro de 1960 [1963].

Eschauzier, H. F. Waarborgen tegen het niet-vreedzaam gebruik van kernenergie. *Internationale spectator* ('s-Gravenhage) 19:1479-1536, 1965.

Safeguards against the non-peaceful uses of nuclear energy.

Fischerhof, H. Rechtsstreitigkeiten auf dem Gebiet des Atomenergierecht. *Neue juristische Wochenschrift* (München) 18:1305, Juli 1965.

Jacchia, Enrico. Atome et sécurité; le risque des radiations à l'âge nucléaire. Paris, Dalloz, 1964. 614 p.

Lee, Roy Skwang. Liability for nuclear damage caused by flight instrumentalities. Montreal, McGill University, 1964. 277 p.

Palfrey, John G. Law and science in atomic energy. *Atomic energy law journal* (Boston) 7: 116-137, 1965.

Šahović, Milan. International control of the uses of nuclear energy. *Journal of peace research* (Oslo) :297-306, 1965, no. 4.

Summary in Russian.

Santos Lasúrtegui, Alfonso de los. Problemas jurídicos de la energía nuclear. Madrid, Sección de Publicaciones de la J.E.N., 1964. 3 v. in 4. (Publicaciones científicas de la Junta de Energía Nuclear).

Schindel, Jost. Die Haftung für Atomschäden; eine rechtsvergleichende Untersuchung. Göttingen, Institut für Völkerrecht der Universität, 1964. xxxii, 278 p. (Studien zum internationalen Wirtschaftsrecht und Atomenergierecht, v. 15).

Shimoyama, Shunji. The International Atomic Energy Agency and its regulations of safeguards. *Juristo* (Tokyo) :79-85, December 1965, no. 336.

In Japanese.

Weinauer, Hermann. Das Atomhaftungsrecht in nationaler und internationaler Sicht. Göttingen, Schwartz, 1964. 156 p.

Willrich, Mason. The development of international law by the International Atomic Energy Agency. *Proceedings of the American Society of International Law*, 59th annual meeting, Washington, D.C., 22-24 April 1965. p. 153-160.

International Bank for Reconstruction and Development

Broches, A. Development of international law by the International Bank for Reconstruction and Development. *Proceedings of the American Society of International Law*, 59th annual meeting, Washington, D.C., 22-24 April 1965. p. 33-38.

Serb, Ladislav. Akcija Medunarodne Banke za Obnovu i Razvoj za sklapanje konvencije o rešavanju sporova oko stranih investicija. *Medunarodni problemi* (Beograd) 17:85-95, 1965, no. 2.

Action of the International Bank for Reconstruction and Development for a convention to solve disputes involving foreign investments.

Sirefman, J. P. The World Bank plan for investment dispute arbitration. *Arbitration journal* (New York) 20:168-178, 1965.

U. S. Congress. House. Committee on Banking and Currency. IBRD and IFC articles of agreement. Hearing before the Committee on H. R. 8816, a bill to authorize the United States Governor to agree to amendmends to the articles of agreement of the International Bank for Reconstruction and Development and the International Finance Corporation, and for other purposes..., July 8, 1965. Washington, 1965. 83 p.

International Civil Aviation Organization

Acosta, J. E. Wilful misconduct under the Warsaw Convention; recent trends and developments. *University of Miami law review* (Coral Gables, Fla.) 19:575-590, 1965.

Andrei, E. Aderarea Republicii Socialiste România la OACI şi IMCO. *Justiţia nouă* (Bucureşti) 21:173, 1965, no. 11.

Romania's membership of ICAO and IMCO.

Barberot, J. L'OACI et l'unification du droit aérien. *Revue du Secrétariat général de l'aviation civile* (Paris) :99-102, 1965, no. 125.

Bayitch, S. A. Unification of aviation law in the Western Hemisphere. *University of Miami law review* (Coral Gables, Fla.) 19:535-, 1965.

Berle, Adolf A. Les traités concernant l'aviation civile internationale vingt ans après. *Revue générale de l'air et de l'espace* (Paris) 28:125-132, 1965.

Bloet-Hamerlijnck, Rita Jong. The development of air law and European cooperation. *International relations* (London) 2:736-753, 1965.

Boyle, R. P. Jurisdiction over crimes committed in flight: an international convention. *American criminal law quarterly* (Chicago) 3:68-, 1965.

Cocca, Aldo Armando. L'unification du droit aérien en Amérique latine. *Revue française de droit aérien* (Paris) 19:269-290, juillet-septembre 1965.

Codding, George A. Contributions of the World Health Organization and the International Civil Aviation Organization to the development of international law. *Proceedings of the American Society of International law*, 59th annual meeting, Washington, D.C., 22-24 April 1965. p. 147-153.

Cook, Gerald S. Air law—Warsaw Convention—choice of forum within nation determined by international law—limitation of liability where ticket delivery insufficient. *Harvard International Law Club journal* (Cambridge) 7:131-137, 1965.

Cooper, John Cobb. The Chicago Convention; after twenty years. *University of Miami law review* (Coral Gables, Fla.) 19:333-344, 1965. Also in: *Zeitschrift für Luftrecht und Weltraumrechtsfragen* (Köln) 14:272-295, 1965, with parallel texts in English and German.

Folchi, Mario O. La Convenzione di Guadalajara e i contratti di utilizzazione degli aeromobili. *Transporti aerei* (Roma) 14:3-19, 1965, no. 12.

Guldimann, Werner. Internationales Lufttransportrecht. Kommentar zu den Abkommen von Warschau 1929/1955 und Guadalajara 1961. Zürich, Schulthess, 1965. 263 p.

Hayton, Robert D. Jurisdiction of the littoral State in the "air frontier". *Philippine international law journal* (Manila) 3:369-398, 1964.

Higgins, T. The regulation of international transport; air transport. *World today* (London) 21:470-479, 1965.

Ikeda, Fumio. A study of the Convention on damage caused by foreign aircraft to third parties on the surface—the prospect of the law-making activities of the ICAO. *Kokuren ronso* (Tokyo) :1-50, 1965.

Johnson, David Hugh Nevil. Rights in air space. Manchester, Manchester University Press, 1965. 129 p. (The Melland Schill lectures, 5).

Kreindler, Lee S. The denunciation of the Warsaw Convention. *Journal of air law and commerce* (Dallas) 31:291-303, 1965.

Kreindler, Lee S. Interim report on the Warsaw Convention. *Trial lawyers quarterly* (New York) 2:69-81, 1965, no. 3.

Lopez Gutierrez, Juan J. Should the Tokyo Convention of 1963 be ratified? *Journal of air law and commerce* (Dallas) 31:1-21, 1965.

Mankiewicz, René H. Aircraft operated by international operating agencies. *Journal of air law and commerce* (Dallas) 31:304-310, 1965.

Mankiewicz, René H. La Convention de Tokyo et l'escale en territoire étranger. *Revue générale de l'air et de l'espace* (Paris) 28:247-252, 1965.

Mankiewicz, René H. International Civil Aviation Organization; fifteenth session of the Assembly. *Journal of air law and commerce* (Dallas) 31:343-351, 1965.

Mankiewicz, René H. Le Projet de convention relative à l'abordage aérien élaboré par le Comité juridique de l'OACI en 1964. *Revue française de droit aérien* (Paris) 19:34-49, 1965.

Mateesco-Matte, Nicolas. Deux frontières invisibles: de la mer territoriale à l'air "territorial". Paris, Pedone, 1965. 294 p.

Meyer, Alex. Comments on Professor John C. Cooper's article "The Chicago Convention after twenty years". *Zeitschrift für Luftrecht und Weltraumrechtsfragen* (Berlin) 14:296-311, 1965.

Milde, Michael. Conflicts of laws in the law of the air. *McGill law journal* (Montreal) 11:220-262, 1965.

Moury, Armand. La responsabilité dans les transports aériens gratuits. *Diritto aereo* (Roma) 4:138-150, 1965, no. 14-15.

Paterson, Alistair R. Carriage by air. *Chitty's law journal* (Toronto) 13:10-12, 46-50, 82-86, 1964-1965.

Pontavice, Emmanuel du. Application de la C.V. et du Protocole de La Haye dans les États anciennement colonisés. *Revue trimestrielle de droit commercial* (Paris) 18:470-472, 1965.

Pontavice, Emmanuel du. Responsabilité du transporteur aérien. *Revue générale de l'air et de l'espace* (Paris) 28:76-83, 189-196, 1965.

Sand, Peter H. The international unification of air law. *Law and contemporary problems* (Durham, N. C.) 30:400-424, 1965.

Schmidt-Räntsch, Günther. Die fünfzehnte Tagung des Rechtsausschusses der Internationalen Zivilluftfahrt-Organisation (ICAO) vom 1. bis 19. September 1964 in Montreal. *Zeitschrift für Luftrecht und Weltraumrechtsfragen* (Berlin) 14:141-150, 1965.

Schweickhardt, A. Le contrat d'affrètement de transport aérien dans une nouvelle perspective. *Revue française de droit aérien* (Paris) 19:291-310.

Schwenk, Walter. Grundlagen für die Verleihung der Staatszugehörigkeit an Luftfahrzeuge. *Zeitschrift für Luftrecht und Weltraumrechtsfragen* (Köln) 14:195-202, 1965.

International Labour Organisation

Abdeljaoud, Amor. The influence of International Labour Conventions on Tunisian legislation. *International labour review* (Geneva) 91:191-209, 1965.

Blagoev, Borislav. Osvrt na dosadašnji rad i nove zadatke Medunarodne organizacije rada. *Jugoslovenska revija za medunarodno pravo* (Beograd) 12:294-301, 1965.

Aperçu de l'œuvre et des tâches nouvelles de l'Organisation internationale du Travail.

Decleva, Matteo. Discriminazione razziale ed obblighi degli Stati membri dell'OIL. *Diritto internazionale* (Milano) 19(I):160-168, 1965, no. 2.

Dehousse, Jean-Maurice. La participation belge à la Conférence internationale du Travail. *Revue belge de droit international* (Bruxelles) 1:235-252, 1965.

Gormley, W. P. The emerging protection of human rights by the International Labour Organisation. *Albany law review* (Albany) 30:13-51, 1965.

Ivanov, S. A. Voprosy mezhdunarodnopravovogo regulirovaniia truda. *Soviet year-book of international law 1963* (Moscow) :236-259, 1965.

International legal regulation of labour.

Summary in English.

Landelius, Torsten. Workers, employers and governments; a comparative study of delegations and groups at the International Labour Conference 1919-1964. Stockholm, Norstedt, 1965. 553 p.

Lemoine, Jacques. Jurisprudence du Tribunal administratif de l'Organisation internationale du Travail. *Annuaire français de droit international 1964* (Paris) 10:429-457, 1965.

Nakayama, K. Proposal of the Dryer Commission and the problems with which the ILO Commission is confronted. *Hōritsu jihō* (Tokyo) 37:4, March 1965, no. 4.

In Japanese.

Partan, Daniel G. The development of international law by the International Labour Organisation. *Proceedings of the American Society of International Law*, 59th annual meeting, Washington, D.C., 22-24 April 1965. p. 139-146.

Radenović, Predrag. Medunarodna organizacija rada i priznanje prava na rad. *Jugoslovenska revija za medunarodno pravo* (Beograd) 12:302-208, 1965.

L'Organisation internationale du Travail et la reconnaissance du droit au travail.

Simon, Sheldon Weiss. The International Labor Organisation and foreign policies; an interlevel analysis focusing on the relation between international consensus formation and national political development. [Ann Arbor, Mich., University Microfilms, 1965] 477 p.

Bibliography: p. 456-477.

Srnská, Milena. Právní aspekty demokratizace statutu Mezinárodní organizace práce. *Studie z mezinárodního práva* (Praha) 10:161-184, 1965.

Legal aspects of democratization of the statute of the International Labour Organisation.

Summary in French.

Yamamoto, Y. Legislative development of laws relating to the ILO. *Hōritsu jihō* (Tokyo) 37:20, March 1965, no. 4.

In Japanese.

International Monetary Fund

Anselme-Rabinovitch, Léon. Transactions internationales et contrôle des changes (jurisprudence sur l'art. VIII des Statuts du F. M. I.) *Banque* (Paris) 40:397-401; 481-484, 1965.

Atlantic Council of the United States. Committee on Trade, Monetary and Corporate Policy. Monetary modernization. *Atlantic Community quarterly* (Washington) 3:353-363, 1965.

Brioschi, A. G. Aspetti del dibattito sulla riforma del sistema monetario internazionale. *Mondo economico* (Milano) 20:21-30, 1965, no. 33-34.

Cosmacini, G. E necessaria una riforma del sistema monetario internazionale attuale? *Rivista internazionale di scienze sociali* (Milano) 36:235-249, maggio-giugno 1965.

Doi, T. International control of exchange rates: legal basis and practice under the IMF Agreement *Waseda hogaku* (Waseda) 41:109-160, 1965, no. 1.

In Japanese.

Donelan, Michael. The international monetary question. *World today* (London) 21:389-398, September 1965.

Dupriez, Léon H. La liquidité monétaire internationale; exigences fondamentales. *Recherches économiques de Louvain* (Louvain) 31:43-62, mars 1965.

Fleming, J. Miles. Reforming the world's money. *Bankers' magazine* (London) 200:125-133, September 1965.

Gold, Joseph. The International Monetary Fund and international law; an introduction. Washington, International Monetary Fund, 1965. 26 p.

Gold, Joseph. The International Monetary Fund and private business transactions; some legal effects of the articles of agreement. Washington, International Monetary Fund, 1965. iv, 31 p.

Gold, Joseph. Maintenance of the gold value of the Fund's assets. Washington, International Monetary Fund, 1965. (International Monetary Fund pamphlet no. 6).

Harrod, R. F. Reforming the world's money. London, Macmillan, 1965. 181 p.

Mosin, I. N. Mezhdunarodnyi valiutnyi fond. Pod. red. G. S. Lopatina. Moskva, Izd-vo Mezhdunarodnye otnosheniia, 1964.

International Monetary Fund.

Roosa, Robert V. Monetary reform for the world economy. New York, Harper & Row, 1965. 173 p. (Council on Foreign Relations. Elihu Root lectures, 1964-65).

Salvemini, Maria Teresa. Il sistema monetario internazionale tra conservazione e riforma. *Bancaria* (Roma) 21:684-696, giugno 1965.

Abstract in English.

Schweitzer, Pierre Paul. El sistema monetario y la liquidez internacional. *Técnicas financieras* (Durango) 4:721-745, julio-agosto de 1965.

Singh, D. Bright. The IMF, world liquidity and the developing economies. *Asian economic review* (Hyderabad) 7:293-312, May 1965.

U.S. Congress. House. Committee on Banking and Currency. United States quota increase in the International Monetary Fund. Hearings before the Committee on H.R. 6497, a bill to amend the Bretton Woods Agreements Act to authorize an increase in the International Monetary Fund quota of the United States, March 23 and 24, 1965. Washington, 1965. 127 p. (U.S. 89. Cong., 1. sess.).

Zolotas, X. Alternative systems for international monetary reform; a comparative appraisal. Athens, 1965. 47 p. (Bank of Greece. Papers and lectures, 18).

International Telecommunication Union

Bušák, Jan. Mezinárodní dohoda o spojových druzicích. *Časopis pro mezinárodní pravo* (Praha) 9:256-261, 1965.

The international agreement on telecommunication satellites.

Doyle, Stephen E. International satellite communications and the law. *McGill law journal* (Montreal) 11:137-147, 1965.

Johnson, John A. Satellite communications: the challenge and the opportunity for international cooperation. *Federal Communications Bar journal* (Washington) 19:88-96, 1964-1965.

Woodliffe, J. C. Some legal aspects of pirate broadcasting in the North Sea. *Nederlands tijdschrift voor internationaal recht* (Leyden) 12:365-384, 1965.

Universal Postal Union

Menon, M. A. K. Universal Postal Union. *International conciliation* (New York): 1-64, March 1965, no. 552.

Schermers, H. G. Some constitutional notes on the Fifteenth Congress of the Universal Postal Union. *International and comparative law quarterly* (London) 14:632-637, 1965.

World Health Organization

Codding, George A. Contributions of the World Health Organization and the International Civil Aviation Organization to the development of international law. *Proceedings of the American Society of International Law*, 59th annual meeting, Washington, D.C., 22-24 April 1965. p. 147-153.

Pethybridge, R. The influence of international politics on the activities of "non-political" specialized agencies: a case study. *Political studies* (London) 13:247-251, June 1965.