

*Extract from:*

# UNITED NATIONS JURIDICAL YEARBOOK

1975

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

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



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

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## Chapter III

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

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

#### I. DISARMAMENT AND RELATED MATTERS

##### 1. MEETINGS OF THE CONFERENCE OF THE COMMITTEE ON DISARMAMENT

During its two series of meetings in 1975, the Conference of the Committee on Disarmament<sup>1</sup> continued discussion on several recurrent items, particularly those connected with the prohibition of chemical weapons and the cessation of nuclear weapon tests. Measures relating to the non-proliferation of nuclear weapons and to the early cessation of the nuclear arms race were also considered, particularly in connexion with the Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons. The Conference concentrated its attention, however, on the following three new subjects on the agenda: the arms control implications of peaceful nuclear explosions within the framework of a comprehensive test ban, the question of nuclear-weapon-free zones and the prohibition of environmental modification for hostile purposes. Between 14 and 18 July 1975, informal meetings were held, with the participation of 11 experts, to discuss the question of peaceful nuclear explosions.

Pursuant to resolution 3261F (XXIX) of 9 December 1974, the Conference of the Committee on Disarmament invited 21 States to appoint experts to participate in an *Ad Hoc* Group to carry out a comprehensive study of the question of nuclear-weapon-free zones in all its aspects. The *Ad Hoc* Group of Qualified Government Experts for the Study of the Question of Nuclear-Weapon-Free Zones held two rounds of meetings in 1975 and submitted a report (CCD/467)<sup>2</sup> to the Conference.

Pursuant to General Assembly resolution 3264 (XXIX) of 9 December 1974, the Conference of the Committee on Disarmament discussed the question of the prohibition of action to influence the environment and climate for military and other hostile purposes, which are incompatible with the maintenance of international security, human well-being and health. Informal meetings were held on the subject between 4 and 8 August 1975. On 21 August, the Union of Soviet Socialist Republics and the United States of America submitted identical draft texts of a convention on this question to the Conference (CCD/471, CCD/472).<sup>3</sup>

All aspects of the work of the Conference of the Committee on Disarmament in 1975 were covered in its report to the General Assembly (A/10027-DC/238).<sup>4</sup>

<sup>1</sup> For the membership of the Conference, see General Assembly resolution 3261 (XXIX).

<sup>2</sup> For the printed text, see *Official Records of the General Assembly, Thirtieth Session, Supplement No. 27 A* (A/10027/Add.1), annex I. For the action taken by the General Assembly at its thirtieth session on this question, see subsection 8 of the present section below.

<sup>3</sup> *Ibid.*, *Supplement No. 27* (A/10027), annex II. For the action taken by the General Assembly at its thirtieth session on this question, see subsection 10 of the present section below.

<sup>4</sup> *Ibid.*, *Supplement No. 27* (A/10027).

## 2. WORLD DISARMAMENT CONFERENCE

The *Ad Hoc* Committee on the World Disarmament Conference<sup>5</sup> held 12 meetings between 1 April and 27 August 1975 and submitted a report to the General Assembly<sup>6</sup> in accordance with resolution 3260 (XXIX) of 9 December 1974. The report contained a summary of the views of States on the objectives of a world disarmament conference, their comments regarding other aspects of such a conference, and the Committee's conclusions. It also contained a recommendation regarding the *Ad Hoc* Committee's future work under an appropriate mandate.

The General Assembly, by resolution 3469 (XXX) of 11 December 1975, reaffirmed resolution 3260 (XXIX) in its entirety and renewed the mandate of the *Ad Hoc* Committee on the World Disarmament Conference.

## 3. ECONOMIC AND SOCIAL CONSEQUENCES OF THE ARMAMENTS RACE AND ITS EXTREMELY HARMFUL EFFECTS ON WORLD PEACE AND SECURITY

This item was included in the agenda of the thirtieth session of the General Assembly in accordance with resolution 3075 (XXVIII) of 6 December 1973 by which the Assembly had requested the Secretary-General to pursue the study of the consequences of the arms race to enable him to submit, on request, an up-to-date report on the matter.<sup>7</sup> The original report of the Secretary-General (A/8649 and Add.1) was submitted to the Assembly in 1971 and issued as a publication in 1972.<sup>8</sup>

By resolution 3462 (XXX) of 11 December 1975, the General Assembly, after recalling its earlier resolutions on the matter and expressing its concern that, despite repeated requests for its cessation, the arms race, particularly of nuclear armaments, had continued to increase alarmingly, *inter alia* called upon all States and organs concerned with disarmament issues to preoccupy themselves with the adoption of effective measures for the cessation of the arms race, especially in the nuclear field, and for the reduction of military budgets, and to make sustained efforts towards general and complete disarmament.

## 4. NAPALM AND OTHER INCENDIARY WEAPONS AND ALL ASPECTS OF THEIR POSSIBLE USE

In considering this item, the General Assembly had before it two reports of the Secretary-General (A/10222, A/10223 and Add.1)<sup>9</sup> submitted pursuant to resolutions 3255 A and B (XXIX), respectively, of 9 December 1974. The first report gave an account of the work of the Diplomatic Conference on the Reaffirmation and Development of International Humanitarian Law Applicable in Armed Conflicts and, more particularly, its consideration of the question of the use of napalm and other incendiary weapons, as well as other specific conventional weapons which might be deemed to cause unnecessary suffering or to have indiscriminate effects, and its efforts for agreement on rules prohibiting or restricting the use of such weapons. The second report contained the substantive replies of 17 Governments and of the International Committee of the Red Cross and WHO to the Secretary-General's request for infor-

<sup>5</sup> For the membership of the *Ad Hoc* Committee, see General Assembly resolution 3183 (XXVIII).

<sup>6</sup> *Official Records of the General Assembly, Thirtieth Session, Supplement No. 28 (A/10028 and Corr.1)*. For other relevant documents, see *ibid.*, *Thirtieth Session, Annexes*, agenda item 40.

<sup>7</sup> For relevant documents, see *ibid.*, *Thirtieth Session, Annexes*, agenda item 31.

<sup>8</sup> *Economic and Social Consequences of the Arms Race and of Military Expenditures* (United Nations publication, Sales No.: E.72.IX.16).

<sup>9</sup> For other relevant documents, see *Official Records of the General Assembly, Thirtieth Session, Annexes*, agenda item 35.

mation on the question of the use of napalm and other incendiary weapons in armed conflicts.

By resolution 3464 (XXX) of 11 December 1975, the General Assembly *inter alia* invited the Diplomatic Conference to continue its consideration of the use of specific conventional weapons and its search for agreement on possible rules prohibiting or restricting the use of such weapons and decided to include in the provisional agenda of its thirty-first session an item entitled "Incendiary and other specific conventional weapons which may be the subject of prohibitions or restrictions of use for humanitarian reasons".

#### 5. CHEMICAL AND BACTERIOLOGICAL (BIOLOGICAL) WEAPONS

In considering this item, the General Assembly had before it the report of the Conference of the Committee on Disarmament (A/10027-DC/238).<sup>10, 11</sup>

By resolution 3465 (XXX) of 11 December 1975, the General Assembly reaffirmed the objective of reaching early agreement on the effective prohibition of the development, production and stockpiling of all chemical weapons and on their elimination from the arsenals of all States; urged all States to make every effort to facilitate such agreement; requested the Conference of the Committee on Disarmament to continue negotiations as a matter of high priority, taking account of the existing proposals, with a view to reaching early agreement on the question; invited all States that had not already done so to accede to the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction;<sup>12</sup> invited all States that had not already done so to accede to or ratify the Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare, signed at Geneva on 17 June 1925,<sup>13</sup> and called again for strict observance by all States of the principles and objectives contained therein.

#### 6. URGENT NEED FOR CESSATION OF NUCLEAR AND THERMONUCLEAR TESTS AND CONCLUSION OF A TREATY DESIGNED TO ACHIEVE A COMPREHENSIVE TEST BAN

In considering this item, the General Assembly had before it the report of the Conference of the Committee on Disarmament (A/10027-DC/238),<sup>14</sup> a letter dated 22 September 1975 from Mexico (A/C.1/1055), and a letter dated 27 October from Sweden (A/C.1/1067).

By resolution 3466 (XXX) of 11 December 1975, the General Assembly noted: that the Final Declaration of the Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons,<sup>15</sup> adopted by consensus on 30 May 1975 (see A/C.1/1068, annex I), had expressed the view that a comprehensive test ban treaty was one of the most important measures to halt the nuclear arms race, had expressed the hope that the nuclear-weapon States parties to the Treaty would take the lead in reaching an early solution on the issue, and had appealed to those States to make every effort to reach agreement on the conclusion of an effective comprehensive test ban; that the final documentation of the Conference had included a draft resolution and a draft additional protocol to the Treaty, whereby the nuclear-

<sup>10</sup> For the printed text, see *ibid.*, *Thirtieth Session, Supplement No. 27* (A/10027).

<sup>11</sup> For other relevant documents, see *ibid.*, *Thirtieth Session, Annexes*, agenda item 36.

<sup>12</sup> Resolution 2826 (XXVI), Annex. Also reproduced in the *Juridical Yearbook*, 1971, p. 118.

<sup>13</sup> League of Nations, *Treaty Series*, vol. XCIV, p. 65.

<sup>14</sup> See foot-note 10 above.

<sup>15</sup> Reproduced in the *Juridical Yearbook*, 1968, p. 156.

weapon States depositaries of the Treaty would agree on a moratorium on tests which could in due course become a comprehensive test ban embracing all nuclear-weapon States; and that the desire had been expressed by a considerable number of delegations at the Conference that the nuclear-weapon States parties to the Treaty should, as soon as possible, enter into an agreement to halt all their nuclear weapon tests for a specific time, whereupon the terms of such an agreement would be reviewed in the light of the opportunity at that time to achieve a universal and permanent cessation of all nuclear weapon tests. Furthermore, the Assembly condemned all nuclear weapon tests; deplored the continued lack of progress towards a comprehensive test ban agreement; emphasized the urgency of reaching such an agreement; called upon all nuclear-weapon States to halt all nuclear weapon tests through an agreed suspension, subject to review after a specified period, as an interim step towards the conclusion of a formal comprehensive test ban agreement; emphasized the particular responsibility of the nuclear-weapon States parties to international agreements in which they had declared their intention to achieve the earliest possible cessation of the nuclear arms race; called upon States not parties to the Treaty Banning Nuclear Weapon Tests in the Atmosphere, in Outer Space and under Water to adhere to it forthwith; and urged the Conference of the Committee on Disarmament to give the matter the highest priority and to report to the Assembly at its thirty-first session on the progress achieved.

7. IMPLEMENTATION OF GENERAL ASSEMBLY RESOLUTION 3258 (XXIX) CONCERNING THE SIGNATURE AND RATIFICATION OF ADDITIONAL PROTOCOL II OF THE TREATY FOR THE PROHIBITION OF NUCLEAR WEAPONS IN LATIN AMERICA (TREATY OF TLATELOLCO)<sup>16</sup>

By resolution 3467 (XXX) of 11 December 1975,<sup>17</sup> the General Assembly, recalling with satisfaction that the United Kingdom of Great Britain and Northern Ireland, the United States of America, France and China were already parties to Additional Protocol II of the Treaty for the Prohibition of Nuclear Weapons in Latin America (Treaty of Tlatelolco), again urged the Union of Soviet Socialist Republics to sign and ratify Additional Protocol II.

8. COMPREHENSIVE STUDY OF THE QUESTION OF NUCLEAR-WEAPON-FREE ZONES IN ALL ITS ASPECTS

In considering this item, the General Assembly had before it the special report of the Conference of the Committee on Disarmament containing the comprehensive study (CCD/467),<sup>18</sup> prepared by the *Ad Hoc* Group of Qualified Governmental Experts for the Study of the Question of Nuclear-Weapon-Free Zones under the auspices of the Conference, pursuant to Assembly resolution 3261 F (XXIX). The Group of Experts, in the study, stated that, in fulfilling its tasks, it had attempted to elaborate the concept of nuclear-weapon-free zones, to identify the principal issues involved in such zones and to analyse their implications both for zonal and extrazonal States. The Group further stated that the study did not attempt to establish any precise rules; it only indicated certain guidelines that could be used concerning the establishment of such zones.

By resolution 3472 A (XXX) of 11 December 1975, the General Assembly *inter alia* took note of the special report of the Conference of the Committee on Disarmament. By resolution 3472 B (XXX) of the same date the General Assembly

<sup>16</sup> Reproduced in the *Juridical Yearbook*, 1967, p. 284.

<sup>17</sup> For relevant documents, see *Official Records of the General Assembly, Thirtieth Session, Annexes*, agenda item 38.

<sup>18</sup> See foot-note 2 above.

solemnly adopted a declaration defining the concept of a nuclear-weapon-free zone as any zone, recognized as such by the Assembly, which any group of States has freely established by virtue of a treaty or convention whereby the statute of total absence of nuclear weapons to which the zone shall be subject, including the procedure for the delimitation of the zone, is defined and whereby an international system of verification and control is established to guarantee compliance with the obligations deriving from that statute. It also defined the principal obligations of the nuclear-weapon States towards nuclear-weapon-free zones and towards the States included therein, to be undertaken or reaffirmed in a legally binding international instrument, as the following: to respect in all its parts the statute of total absence of nuclear weapons defined in the treaty or convention which serves as the constitutive instrument of the zone; to refrain from contributing in any way to the performance in the territories forming part of the zone of acts which involve a violation of the aforesaid treaty or convention; and to refrain from using or threatening to use nuclear weapons against the States included in the zone. Finally it noted that the scope of the above definitions would in no way impair the resolutions which the Assembly had adopted or might adopt with regard to specific cases of nuclear-weapon-free zones nor the rights emanating for the Member States from such resolutions.<sup>19</sup>

9. IMPLEMENTATION OF GENERAL ASSEMBLY RESOLUTION 3262 (XXIX) CONCERNING THE SIGNATURE AND RATIFICATION OF ADDITIONAL PROTOCOL I OF THE TREATY FOR THE PROHIBITION OF NUCLEAR WEAPONS IN LATIN AMERICA (TREATY OF TLATELOLCO)<sup>20</sup>

In considering this item, the General Assembly had before it a report (A/10266)<sup>21</sup> submitted under resolution 3262 (XXIX) of 9 December 1974 in which the Secretary-General noted that he had received no replies from France or the United States of America concerning any measure adopted by them with regard to paragraph 2 of that resolution urging them to become parties to Additional Protocol I of the Treaty for the Prohibition of Nuclear Weapons in Latin America (Treaty of Tlatelolco).

By resolution 3473 (XXX) of 11 December 1975, the General Assembly, recalling with satisfaction that the United Kingdom of Great Britain and Northern Ireland and the Netherlands were already parties to Additional Protocol I of the Treaty, again urged France and the United States of America to sign and ratify the Protocol as soon as possible.

10. PROHIBITION OF ACTION TO INFLUENCE THE ENVIRONMENT AND CLIMATE FOR MILITARY AND OTHER HOSTILE PURPOSES, WHICH ARE INCOMPATIBLE WITH THE MAINTENANCE OF INTERNATIONAL SECURITY, HUMAN WELL-BEING AND HEALTH

In considering this item, the General Assembly had before it the report of the Conference of the Committee on Disarmament (A/10027-DC/238).<sup>22, 23</sup>

<sup>19</sup> In connexion with the question of nuclear-weapon-free zones, mention may also be made of General Assembly resolutions 3471 (XXX), 3474 (XXX), 3476 A and B (XXX) and 3477 (XXX) of 11 December 1975, entitled respectively "Implementation of the Declaration on the Denuclearization of Africa", "Establishment of a nuclear-weapon-free zone in the region of the Middle East", "Declaration and establishment of a nuclear-weapon-free zone in South Asia" and "Establishment of a nuclear-weapon-free zone in the South Pacific".

<sup>20</sup> Reproduced in the *Juridical Yearbook*, 1967, p. 283.

<sup>21</sup> For other relevant documents, see *Official Records of the General Assembly, Thirtieth Session, Annexes*, agenda item 45.

<sup>22</sup> See foot-note 10 above.

<sup>23</sup> For other relevant documents, see *Official Records of the General Assembly, Thirtieth Session, Annexes*, agenda item 47.

By resolution 3475 (XXX) of 11 December 1975, the General Assembly, noting with satisfaction that the delegations of the Union of Soviet Socialist Republics and the United States of America had submitted to the Conference of the Committee on Disarmament identical drafts of a convention on the prohibition of military or any other hostile use of environmental modification techniques and that other delegations had offered suggestions and preliminary observations regarding those drafts, *inter alia* requested the Conference to continue negotiations, bearing in mind existing proposals and relevant discussion, with a view to reaching early agreement, if possible during the 1976 session of the Conference, on the text of a convention on the prohibition of military or other hostile use of environmental modification techniques and to submit a special report on the results achieved for consideration by the Assembly at its thirty-first session.

#### 11. CONCLUSION OF A TREATY ON THE COMPLETE AND GENERAL PROHIBITION OF NUCLEAR WEAPON TESTS

This item was included in the agenda of the thirtieth session of the General Assembly at the request of the Union of Soviet Socialist Republics (A/10241).<sup>24</sup> In the request, the USSR drew attention to the need to consolidate the process of political détente by taking measures in the military field aimed at halting the arms race and working towards disarmament. Stressing the great significance of the prohibition of nuclear weapon tests in the elimination of the danger of nuclear war and towards halting the nuclear arms race, the USSR believed that it was of the utmost importance to take measures at the international level on the complete and general prohibition of nuclear weapon tests and underlined the necessity to conclude an appropriate international treaty with wide participation providing for the complete prohibition of nuclear weapon tests in all environments by all States. A draft treaty on the subject was annexed to the request.

By resolution 3478 (XXX) of 11 December 1975, the General Assembly, recognizing the urgent need for the cessation everywhere and by all of nuclear weapon tests, including underground tests, *inter alia* took note of the draft treaty on the complete and general prohibition of nuclear weapon tests submitted by the Union of Soviet Socialist Republics; and called upon all nuclear-weapon States to enter into negotiations, not later than 31 March 1976, with a view to reaching agreement on the subject and invited 25 to 30 non-nuclear-weapon States, to be appointed by the President of the General Assembly after consultations with all regional groups, to participate in those negotiations and to inform the Assembly, at its thirty-first session, of the results of the negotiations.

#### 12. PROHIBITION OF THE DEVELOPMENT AND MANUFACTURE OF NEW TYPES OF WEAPONS OF MASS DESTRUCTION AND NEW SYSTEMS OF SUCH WEAPONS

This item was included in the agenda of the thirtieth session of the General Assembly at the request of the Union of Soviet Socialist Republics (A/10243).<sup>25</sup> In the request, the USSR stressed that the positive changes in the international situation facilitated the further development of the process of détente. It noted that, despite the various international agreements concluded and the negotiations currently under way in the field of disarmament, the arms race was continuing and the danger that science and technology would be used to create new types of weapons of mass destruction was becoming increasingly real. To prevent science and technology from being used for such military purposes, it would be necessary to work out an appro-

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<sup>24</sup> For the request and other relevant documents, see *ibid.*, *Thirtieth Session, Annexes*, agenda item 122.

<sup>25</sup> *Ibid.*, agenda item 126.

priate international agreement banning the development of new types of weapons of mass destruction and of new systems of such weapons. Such an agreement should not create obstacles to the economic, scientific and technological progress of the States parties. The USSR further stated that the adoption by the Assembly of a decision favouring the idea of concluding such an international agreement would constitute a major contribution to the limitation of the arms race. A draft agreement was annexed to the request.

By resolution 3479 (XXX) of 11 December 1975, the General Assembly *inter alia* considered it necessary to take effective steps, by concluding an appropriate international treaty or agreement, for the prohibition of the development and manufacture of new types of weapons of mass destruction and new systems of such weapons; took note of the draft agreement on the subject submitted by the Union of Soviet Socialist Republics as well as points of view and suggestions put forward during the discussion of that question; and requested the Conference of the Committee on Disarmament to proceed, with the assistance of qualified governmental experts, to work out the text of such an agreement and to submit to the Assembly, at its thirty-first session, a report on the results achieved.

### 13. GENERAL AND COMPLETE DISARMAMENT

In considering this item, the General Assembly had before it, in addition to the report of the Conference of the Committee on Disarmament (A/10027-DC/238),<sup>26, 27</sup> three documents concerning the peaceful application of nuclear explosions, namely, a note by the Secretary-General transmitting the nineteenth report of IAEA (A/10168 and Corr.1 and Add.1); a note by the Secretary-General (A/10215) transmitting the text of a letter dated 18 August 1975 addressed to him by the Secretary-General of the Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, pursuant to paragraph 4 of Assembly resolution 3261 (D) (XXIX) of 9 December 1974; and a note by the Secretary-General dated 27 October 1975 (A/10316).

By resolution 3484 (XXX) of 12 December 1975, the General Assembly, recalling its resolutions 3261 D (XXIX) of 9 December 1974 and 3386 (XXX) of 12 November 1975, appealed once again to all States, in particular nuclear-weapon States, to exert concerted efforts in all appropriate international forums with a view to working out effective measures for the cessation of the nuclear arms race and the prevention of the further proliferation of nuclear weapons; and noted with appreciation (a) the report of IAEA concerning its studies of the peaceful applications of nuclear explosions, including information on the establishment of the *Ad Hoc* Advisory Group on Nuclear Explosions for Peaceful Purposes, (b) paragraphs 62 to 78 of the report of the Conference of the Committee on Disarmament concerning the arms control implications of peaceful nuclear explosions within the framework of a comprehensive test ban, (c) the consideration by the Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons of the role of nuclear explosions for peaceful purposes as provided for in that Treaty (see A/10215, annex), and (d) the observations of the Secretary-General in the introduction to his annual report submitted to the Assembly at its thirtieth session. The Assembly also noted the conclusions of the Review Conference concerning article V of the Treaty, contained in the Final Declaration of the Conference (see A/C.1/1068, annex I); noted that the final documentation of the Review Conference included a draft resolution (see A/10215, annex, para. 4) urging the depositary Governments of the

<sup>26</sup> See foot-note 10 above.

<sup>27</sup> For other relevant documents, see *Official Records of the General Assembly, Thirtieth Session*, agenda item 41.

Treaty to initiate consultations with all other States parties to the Treaty to seek agreement concerning a meeting of those parties to conclude the special basic international agreement contemplated in article V of the Treaty; noted that, according to information provided by the Union of Soviet Socialist Republics and the United States of America to the Review Conference under resolution 3261 D (XXIX), no consultations had taken place concerning the international agreement envisaged in article V of the Treaty; and invited the USSR and the United States to provide to the Assembly, at its thirty-first session, information on such consultations as they might have entered into or might intend to enter into for the conclusion of the international agreement envisaged in article V of the Treaty. Furthermore, the Assembly requested IAEA to continue its examination of the peaceful application of nuclear explosions, authorized by the Board of Governors of the Agency under its resolution of 11 June 1975 (A/10168/Add.1), and to report on its progress to the Assembly at its thirty-first session; requested the Conference of the Committee on Disarmament to keep under review, in its consideration of a comprehensive test ban treaty, the arms control implications of nuclear explosions for peaceful purposes, including the possibility of the misuse of such explosions to circumvent any ban on the testing of nuclear weapons; stressed the need to ensure that any testing or application of nuclear explosions for peaceful purposes, particularly in the context of a comprehensive test ban, did not contribute to the testing or refinement of nuclear weapon arsenals of nuclear-weapon States or to the acquisition of nuclear explosive capability by other States; and called upon all Member States to support and assist in the fulfilment of those tasks.

By resolution 3484 B (XXX) of 12 December 1975, the General Assembly, regretting that in recent years no significant progress had been made in the field of disarmament and considering that the role of the United Nations in that field was far from adequate in comparison with existing needs, invited all States to communicate to the Secretary-General, not later than 1 May 1976, their views and suggestions on the strengthening of the role of the United Nations in the field of disarmament; decided to establish, as a committee of the Assembly open to all Member States, an *Ad Hoc* Committee on the Review of the Role of the United Nations in that field; and decided that the review should, *inter alia*, focus on new approaches for achieving more effective procedures and organization of work in the field of disarmament, on ways and means of improving existing United Nations facilities for the collection, compilation and dissemination of information on disarmament issues and on ways and means to enable the Secretariat to assist, on request, States parties to multilateral disarmament agreements in their duty to ensure the effective functioning of such agreements, including appropriate periodic reviews.

By resolution 3484 C (XXX) also of 12 December 1975, the General Assembly, noting that, as a result of the discussions held in November 1974 between the Union of Soviet Socialist Republics and the United States of America, both sides had reaffirmed their intention to conclude an agreement on the limitation of strategic offensive arms in the course of 1975, *inter alia* regretted the absence of positive results during the last two years of the bilateral negotiations between the Governments of the USSR and the United States on the limitation of their strategic nuclear weapon systems; expressed its concern for the very high ceilings of nuclear arms set for themselves by both States, for the total absence of qualitative limitations of such arms, for the protracted time-table contemplated for the negotiation of further limitations and possible reductions of the nuclear arsenals, and for the situation thus created; urged anew the USSR and the United States to broaden the scope and accelerate the pace of their strategic nuclear arms limitation talks, and stressed once again the necessity and urgency of reaching agreement on important qualitative limitations and substantial reductions of their strategic nuclear weapon systems as a

positive step towards nuclear disarmament; and reiterated its invitation to both Governments to keep the Assembly informed of the results of their negotiations.

By resolution 3484 E (XXX) also of 12 December 1975, the General Assembly, noting that article VII of the Treaty on the Prohibition of the Emplacement of Nuclear Weapons and Other Weapons of Mass Destruction on the Sea-Bed and the Ocean Floor and in the Subsoil Thereof called for a review conference of the parties to the Treaty five years after its entry into force, and that, after appropriate consultation, a preparatory committee of the parties to the Treaty was to be arranged, requested the Secretary-General to render the necessary assistance as might be required for the review conference and its preparation, and expressed hope for the widest possible adherence to the Treaty,

## II. OTHER POLITICAL AND SECURITY QUESTIONS

### 1. STRENGTHENING OF INTERNATIONAL SECURITY

In pursuance of paragraph 5 of General Assembly resolution 3332 (XXIX) of 17 December 1974, the Secretary-General submitted to the Assembly a report on the implementation of the Declaration on the Strengthening of International Security (A/10205 and Add.1).<sup>28</sup> The substantive parts of replies received from 23 Member States, giving their views on the subject, were reproduced in the report, to which was annexed a list of additional documents issued since the twenty-ninth session.

On 18 November 1975, the General Assembly adopted resolution 3389 (XXX) in which it solemnly called upon all States to seek strict and consistent implementation of the purposes and principles of the Charter of the United Nations and of all the provisions of the Declaration on the Strengthening of International Security as a basis for relations among States, irrespective of their size, level of development and socio-economic system; also called upon all States to extend the process of détente to all regions of the world, with the equal participation of all States, in order to bring about just and lasting solutions to international problems; reaffirmed the legitimacy of the struggle of peoples under alien domination to achieve self-determination and independence and appealed to all States to implement the Declaration on the Granting of Independence to Colonial Countries and Peoples and the other resolutions of the United Nations on the total elimination of colonialism, racism and *apartheid*; also reaffirmed that any measure or pressure directed against any State while exercising its sovereign right freely to dispose of its natural resources constituted a flagrant violation of the right of self-determination of peoples and the principle of non-intervention, as set forth in the Charter, which, if pursued, could constitute a threat to international peace and security; likewise reaffirmed its opposition to any threats of use of force, intervention, aggression, foreign occupation and measures of political and economic coercion which attempted to violate the sovereignty, territorial integrity, independence and security of States; and recommended urgent measures to stop the arms race and promote disarmament, including the convening of the World Disarmament Conference, the dismantling of foreign military bases, the creation of zones of peace and the encouragement of general and complete disarmament and strengthening of the United Nations.

### 2. PEACEFUL USES OF OUTER SPACE

In 1975, the Legal Sub-Committee held its fourteenth session at United Nations Headquarters from 10 February to 7 March. It continued its work on the three main items which have been given high priority: the draft treaty relating to the Moon, direct broadcast satellites and remote sensing of the earth from space.

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<sup>28</sup> For other relevant documents, see *ibid.*, *Thirtieth Session, Annexes*, agenda item 49.

With respect to the draft treaty relating to the Moon, the Working Group re-established by the Sub-Committee concentrated its efforts on the main unsolved issue relating to the status of the natural reserves of the Moon and redrafted the texts concerning that point, with certain parts of these texts remaining to be agreed on.

The Sub-Committee made substantial progress on the question of direct broadcast satellites. It re-established the Working Group on this item which discussed all the principles involved. The texts of the principles as formulated by the Working Group included agreed texts (on State responsibility, peaceful settlement of disputes and prevention of disruption), texts which were not yet agreed upon and texts with alternate versions.

With respect to remote sensing, the Sub-Committee established a Working Group which discussed all the proposals and working papers before it. The areas of agreement and the main questions raised during discussion were summarized in the report of the Working Group to the Sub-Committee.

In the course of its eighteenth session held in New York from 9 to 20 June 1975, the Committee on the Peaceful Uses of Outer Space considered the report of the Legal Sub-committee on the work of its fourteenth session (A/AC.105/147); it agreed that, at its fifteenth session, the Sub-Committee should continue to consider, as matters of high priority, the draft treaty relating to the Moon, the elaboration of principles governing the use by States of artificial earth satellites for direct television broadcasting and the legal implications of remote sensing; and that the Sub-Committee should also continue its work on matters relating to the definition and/or delimitation of outer space and outer space activities.

In addition, the Committee requested its Scientific and Technical Sub-Committee to transmit to the Legal Sub-Committee at its fifteenth session, its findings regarding possible scientific and technical criteria relevant to the definition, for purposes of remote sensing, of the terms "natural resources of the Earth" and "data on the natural resources of the Earth acquired by means of remote sensing".

On the basis of the report of the Committee on the Peaceful Uses of Outer Space,<sup>29</sup> the General Assembly adopted resolution 3388 (XXX) of 18 November 1975, by which it *inter alia* noted with satisfaction the progress achieved by the Legal Sub-Committee at its fourteenth session and recommended that the Sub-Committee should, at its fifteenth session, as matters of high priority: continue to consider the draft treaty relating to the Moon; continue to consider the elaboration of principles governing the use by States of artificial earth satellites for direct television broadcasting; continue its detailed legal consideration of remote sensing, taking into account the various views expressed on the subject, including proposals for draft international instruments; and proceed to the drafting of principles.

### III. ECONOMIC, SOCIAL AND HUMANITARIAN ACTIVITIES

#### 1. HUMAN RIGHTS QUESTIONS

##### (a) *International Convention on the Elimination of All Forms of Racial Discrimination*

The International Convention on the Elimination of All Forms of Racial Discrimination, adopted by the General Assembly in resolution 2106 A (XX) of 21 De-

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<sup>29</sup> *Official Records of the General Assembly, Thirtieth Session, Supplement No. 20 (A/10020)*. For other relevant documents, see *ibid.*, *Thirtieth Session, Annexes*, agenda items 32 and 33.

ember 1965, entered into force on 4 January 1969. As at 3 December 1975, the Secretary-General had received instruments of ratification, accession or notification of succession from 87 States.<sup>30</sup> In addition, four of the States parties to the Convention have made declarations in accordance with article 14 of the Convention recognizing the competence of the Committee on the Elimination of Racial Discrimination<sup>31</sup> to receive and consider communications from individuals or groups of individuals within their jurisdiction claiming to be victims of a violation by the States parties concerned of any of the rights set forth in the Convention. Under article 14, paragraph 9, of the Convention, 10 declarations are necessary to establish the competence of the Committee to exercise this function.

On 10 November 1975, the General Assembly adopted resolution 3381 (XXX) in which it *inter alia* expressed its satisfaction with the increase in ratifications and appealed to States which had not done so to accede to the Convention and to States parties to consider making the declaration under article 14 of the Convention.

The Committee on the Elimination of Racial Discrimination submitted its sixth annual report to the General Assembly at its thirtieth session, covering its eleventh and twelfth sessions.<sup>32</sup>

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

The General Assembly, in resolution 3068 (XXVIII) of 30 November 1973, adopted and opened for signature and ratification the International Convention on the Suppression and Punishment of the Crime of *Apartheid*. Under the provisions of article XV, the Convention will enter into force on the thirtieth day after the deposit with the Secretary-General of the United Nations of the twentieth instrument of ratification or accession. As at 31 December 1975, the Secretary-General had received instruments of ratification or accession from 16 States.<sup>33</sup>

On 10 November 1975, the General Assembly adopted resolution 3380 (XXX) in which it *inter alia* appealed to the Governments of all States to sign, ratify and implement the International Convention on the Suppression and Punishment of the Crime of *Apartheid* without delay.<sup>34</sup>

(c) *Torture and other cruel, inhuman or degrading treatment or punishment in relation to detention and imprisonment*

At its twenty-eighth session, the Sub-Commission on Prevention of Discrimination and Protection of Minorities,<sup>35</sup> in considering the item entitled "The question of the human rights of persons subjected to any form of detention or imprisonment", had

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<sup>30</sup> For the list of those States see *Multilateral Treaties in respect of which the Secretary-General Performs Depositary Functions* (ST/LEG/SER.D/9; United Nations publication, Sales No. E.76.V.7).

<sup>31</sup> For the membership of the Committee, see *Official Records of the General Assembly, Thirtieth Session, Supplement No. 18* (A/10018), annex II.

<sup>32</sup> *Official Records of the General Assembly, Thirtieth Session, Supplement No. 18* (A/10018). For other relevant documents see *ibid.*, *Thirtieth Session, Annexes*, agenda item 68.

<sup>33</sup> For the list of those States, see *Multilateral Treaties in respect of which the Secretary-General Performs Depositary Functions* (ST/LEG/SER.D/9; United Nations publication, Sales No. A.76.V.7). The Convention came into force on 18 July 1976.

<sup>34</sup> For relevant documents, see *Official Records of the General Assembly, Thirtieth Session, Annexes*, agenda item 68.

<sup>35</sup> For the membership of the Sub-Commission, see *Official Records of the Economic and Social Council, Fifty-eighth Session, Supplement No. 4* (A/5635), para. 198. For the report of the Sub-Commission on its twenty-eighth session, see document E/CN.4/1180.

before it a note by the Secretary-General (E/CN.4/Sub.2/359 and Add.1) and a dossier containing the replies of non-governmental organizations in consultative status with the Economic and Social Council.

On 10 September 1975, the Sub-Commission adopted resolution 4 (XXVIII) in which it invited the Commission on Human Rights to give urgent consideration to the *Study of the Right of Everyone to be Free from Arbitrary Arrest, Detention and Exile*<sup>36</sup> and the draft principles annexed to it; requested the Secretary-General to invite Governments, specialized agencies, regional intergovernmental organizations and non-governmental organizations in consultative status with the Economic and Social Council concerned to provide any reliably attested information on the question, in particular relating to the following problems: the prolonged and often indefinite detention of large numbers of unconvicted persons without formal charges brought against them, the necessity of impartial judicial investigation into alleged illegal practices against arrested and detained persons, the lack or ineffectiveness of judicial control over arrest and detention practices, the role of secret police and paramilitary organizations, the position of the family and relatives of arrested and detained persons, and the special problems relating to the human rights of women detained or imprisoned; requested the Secretary-General to submit the information received to the Sub-Commission at its twenty-ninth session; and asked the Secretary-General to make available to the Sub-Commission a report on the work done by the Fifth United Nations Congress on the Prevention of Crime and the Treatment of Offenders in so far as it touched upon the question of the human rights of persons subjected to any form of detention or imprisonment.

The General Assembly, at its thirtieth session, had before it an analytical summary by the Secretary-General of the information received from Member States in accordance with General Assembly resolution 3218 (XXIX) of 6 November 1974 (A/10158 and Corr.1 and Add.1)<sup>37</sup> and a report of the Secretary-General reflecting the results of the Fifth United Nations Congress on the Prevention of Crime and the Treatment of Offenders and containing the proposal of the Congress for a draft Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (A/10260). In addition, the Assembly received information concerning the question of medical ethics in relation to the protection of detained persons against torture and other cruel, inhuman or degrading treatment or punishment, including the text of the Draft Declaration of Tokyo prepared by the World Medical Association on this subject (A/C.3/641) and the working paper on health aspects of avoidable maltreatment of prisoners and detainees prepared for the Congress by the World Health Organization (A/CONF.56/9).

By resolution 3452 (XXX) of 9 December 1975, the General Assembly adopted the Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment as a guideline for all States and other entities exercising effective power. The text of the Declaration reads as follows:

**"DECLARATION ON THE PROTECTION OF ALL PERSONS FROM BEING SUBJECTED TO TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT**

**"Article 1**

"1. For the purpose of this Declaration, torture means any act by which severe pain or suffering, whether physical or mental is intentionally inflicted by

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<sup>36</sup> United Nations publication, Sales No.: 65.XIV.2.

<sup>37</sup> For other relevant documents, see *Official Records of the General Assembly, Thirtieth Session, Annexes*, agenda item 74.

or at the instigation of a public official on a person for such purposes as obtaining from him or a third person information or confession, punishing him for an act he has committed or is suspected of having committed, or intimidating him or other persons. It does not include pain or suffering arising only from, inherent in or incidental to lawful sanctions to the extent consistent with the Standard Minimum Rules for the Treatment of Prisoners.

"2. Torture constitutes an aggravated and deliberate form of cruel, inhuman or degrading treatment or punishment.

*"Article 2*

"Any act of torture or other cruel, inhuman or degrading treatment or punishment is an offence to human dignity and shall be condemned as a denial of the purposes of the Charter of the United Nations and as a violation of human rights and fundamental freedoms proclaimed in the Universal Declaration of Human Rights.

*"Article 3*

"No State may permit or tolerate torture or other cruel, inhuman or degrading treatment or punishment. Exceptional circumstances such as a state of war or a threat of war, internal political instability or any other public emergency may not be invoked as a justification of torture or other cruel, inhuman or degrading treatment or punishment.

*"Article 4*

"Each State shall, in accordance with the provisions of this Declaration, take effective measures to prevent torture and other cruel, inhuman or degrading treatment or punishment from being practised within its jurisdiction.

*"Article 5*

"The training of law enforcement personnel and of other public officials who may be responsible for persons deprived of their liberty shall ensure that full account is taken of the prohibition against torture and other cruel, inhuman or degrading treatment or punishment. This prohibition shall also, where appropriate, be included in such general rules or instructions as are issued in regard to the duties and functions of anyone who may be involved in the custody or treatment of such persons.

*"Article 6*

"Each State shall keep under systematic review interrogation methods and practices as well as arrangements for the custody and treatment of persons deprived of their liberty in its territory, with a view to preventing any cases of torture or other cruel, inhuman or degrading treatment or punishment.

*"Article 7*

"Each State shall ensure that all acts of torture as defined in article 1 are offences under its criminal law. The same shall apply in regard to acts which constitute participation in, complicity in, incitement to or an attempt to commit torture.

*"Article 8*

"Any person who alleges he has been subjected to torture or other cruel, inhuman or degrading treatment or punishment by or at the instigation of a

public official shall have the right to complain to, and to have his case impartially examined by, the competent authorities of the State concerned.

*"Article 9*

"Wherever there is reasonable ground to believe that an act of torture as defined in article 1 has been committed, the competent authorities of the State concerned shall promptly proceed to an impartial investigation even if there has been no formal complaint.

*"Article 10*

"If an investigation under article 8 or article 9 establishes that an act of torture as defined in article 1 appears to have been committed, criminal proceedings shall be instituted against the alleged offender or offenders in accordance with national law. If an allegation of other forms of cruel, inhuman or degrading treatment or punishment is considered to be well founded, the alleged offender or offenders shall be subject to criminal, disciplinary or other appropriate proceedings.

*"Article 11*

"Where it is proved that an act of torture or other cruel, inhuman or degrading treatment or punishment has been committed by or at the instigation of a public official, the victim shall be afforded redress and compensation, in accordance with national law.

*"Article 12*

"Any statement which is established to have been made as a result of torture or other cruel, inhuman or degrading treatment or punishment may not be invoked as evidence against the person concerned or against any other person in any proceedings."

Also on 9 December 1975, the General Assembly adopted resolution 3453 (XXX) in which it requested the Commission on Human Rights, at its thirty-second session, to study the question of torture and any necessary steps for ensuring the effective observance of the above-mentioned Declaration and for the formulation of a body of principles for the protection of all persons under any form of detention or imprisonment on the basis of the *Study of the Right of Everyone to be Free from Arbitrary Arrest, Detention and Exile* and the draft principles contained therein; requested the Committee on Crime Prevention and Control to elaborate a draft code of conduct for law enforcement officials and to submit this draft code to the Assembly at its thirty-second session, through the Commission for Social Development and the Economic and Social Council; invited WHO to give further attention to the study and elaboration of principles of medical ethics relevant to the protection of persons subjected to any form of detention or imprisonment against torture and other cruel, inhuman or degrading treatment or punishment, and decided to include in the provisional agenda of its thirty-first session an item entitled "Torture and other cruel, inhuman or degrading treatment or punishment" for the purpose of reviewing the progress achieved in accordance with resolution 3453 (XXX).

(d) *Human rights of migrant workers*

At its twenty-eighth session, the Sub-Commission on Prevention of Discrimination and Protection of Minorities had before it the final version of the report of the Special Rapporteur, entitled "Exploitation of labour through illicit and clandestine trafficking"

(E/CN.4/Sub.2/L.629). The Special Rapporteur, with the assistance of an informal Working Group,<sup>38</sup> also submitted draft recommendations on the subject (E/CN.4/Sub.2/L.636).

On 10 September 1975, the Sub-Commission adopted resolution 1 (XXVIII) by which it decided to request the Secretariat to consolidate the preliminary report, the final report, the introductory statements and the draft recommendations of the Special Rapporteur in a single document and to send it to the Commission on Human Rights as reflecting the current status of the work on the subject in the Sub-Commission. It also decided to place the item on the agenda of its twenty-ninth session and to consider the draft recommendations at that session.

At its thirtieth session, the General Assembly considered the item entitled "Measures to ensure the human rights and dignity of all migrant workers".<sup>39</sup> On 9 December 1975, it adopted resolution 3449 (XXX) in which it requested the United Nations organs and specialized agencies concerned to utilize in all official documents the term "non-documented or irregular migrant workers" to define those workers who illegally and/or surreptitiously enter another country to obtain work; appealed to Member States to remind their competent administrative authorities of their obligations to respect the human rights of all migrant workers, including those non-documented or irregular; and urged Member States to grant all facilities and help to diplomatic and consular agents accredited in their countries in order for them to fulfil their functions in relation to the protection and defence of the human rights of migrant workers, including those non-documented or irregular.

(e) *Human rights and scientific and technological development*

At its thirtieth session, the General Assembly had before it a note by the Secretary-General (A/10162)<sup>40</sup> containing background information on the item; a report of the Secretary-General (A/10146) prepared in accordance with paragraph 5 of Assembly resolution 3150 (XXVIII) of 14 December 1973; and the comments received as at 15 October 1975 from Member States (A/10226 and Add.1 and 2) on the draft declaration on the use of scientific and technological progress in the interests of peace and for the benefit of mankind and the proposed amendments thereto (A/C.3/L.2144, A/C.3/L.2146-2148).

On 10 November 1975, the General Assembly, by resolution 3384 (XXX), adopted the Declaration on the Use of Scientific and Technological Progress in the Interests of Peace and for the Benefit of Mankind.

The text of the Declaration reads as follows:

"1. All States shall promote international co-operation to ensure that the results of scientific and technological developments are used in the interests of strengthening international peace and security, freedom and independence, and also for the purpose of the economic and social development of peoples and the realization of human rights and freedoms in accordance with the Charter of the United Nations.

"2. All States shall take appropriate measures to prevent the use of scientific and technological developments, particularly by the State organs, to limit or interfere with the enjoyment of the human rights and fundamental freedoms of the individual as enshrined in the Universal Declaration of Human Rights,

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<sup>38</sup> For the membership of the Working Group, see E/CN.4/1180, para. 143.

<sup>39</sup> For relevant documents, see *Official Records of the General Assembly, Thirtieth Session, Annexes*, agenda item 12.

<sup>40</sup> For other relevant documents, see *ibid.*, *Thirtieth Session*, agenda item 69.

the International Covenants on Human Rights and other relevant international instruments.

“3. All States shall take measures to ensure that scientific and technological achievements satisfy the material and spiritual needs of all sectors of the population.

“4. All States shall refrain from any acts involving the use of scientific and technological achievements for the purposes of violating the sovereignty and territorial integrity of other States, interfering in their internal affairs, waging aggressive wars, suppressing national liberation movements, or pursuing a policy of racial discrimination. Such acts are not only a flagrant violation of the Charter of the United Nations and principles of international law, but constitute an inadmissible distortion of the purposes that should guide scientific and technological developments for the benefit of mankind.

“5. All States shall co-operate in the establishment, strengthening and development of the scientific and technological capacity of developing countries with a view to accelerating the realization of the social and economic rights of the peoples of those countries.

“6. All States shall take measures to extend the benefits of science and technology to all strata of the population and to protect them, both socially and materially, from possible harmful effects of the misuse of scientific and technological developments, including their misuse to infringe upon the rights of the individual or of the group, particularly with regard to respect for privacy and the protection of the human personality and its physical and intellectual integrity.

“7. All States shall take the necessary measures, including legislative measures, to ensure that the utilization of scientific and technological achievements promotes the fullest realization of human rights and fundamental freedoms without any discrimination whatsoever on grounds of race, sex, language or religious beliefs.

“8. All States shall take effective measures, including legislative measures, to prevent and preclude the utilization of scientific and technological achievements to the detriment of human rights and fundamental freedoms and the dignity of the human person.

“9. All States shall, whenever necessary, take action to ensure compliance with legislation guaranteeing human rights and freedoms in the conditions of scientific and technological developments.”

## 2. ECONOMIC AND SOCIAL QUESTIONS

### (a) *Crime prevention and criminal justice*

The Fifth United Nations Congress on the Prevention of Crime and the Treatment of Offenders was originally scheduled to be convened at Toronto, with the Government of Canada acting as host, from 1 to 12 September 1975. Acting on a request by the Government of Canada for a postponement of the Congress for one year, the Committee on Conferences recommended instead that the Congress be convened at the Palais des Nations, Geneva, on the dates originally scheduled.<sup>41</sup>

Close to 1,000 participants from 101 countries attended the Congress (see A/CONF.56/10),<sup>42</sup> which had as its general theme “Crime prevention and control

<sup>41</sup> See *ibid.*, *Thirtieth Session, Supplement No. 32 (A/10032)*, paras. 22-26.

<sup>42</sup> For the report of the Congress, see United Nations publication, Sales No. E.76.IV.2.

—the challenge of the last quarter of the century”. The agenda of the Congress included the following items: (a) changes in forms and dimensions of criminality—transnational and national; (b) criminal legislation, judicial procedures and other forms of social control in the prevention of crime; (c) emerging roles of the police and other law enforcement agencies, with special reference to changing expectations and minimum standards of performance; (d) treatment of offenders, in custody or in the community, with special reference to the implementation of the Standard Minimum Rules for the Treatment of Prisoners<sup>43</sup> adopted by the United Nations; and (e) economic and social consequences of crime: new challenges for research and planning.

A series of recommendations called for increased efforts, at both the national and international levels, to fight crime and strengthen the criminal justice system. Pursuant to General Assembly resolution 3218 (XXIX) of 6 November 1974, the Congress unanimously adopted a declaration containing detailed provisions on the prohibition of the use of torture and other cruel, inhuman or degrading treatment or punishment, and for remedial and compensatory measures.<sup>44</sup> The Congress also concluded that an international code of conduct for law enforcement officials should be drawn up under the auspices of the Assembly.

#### (b) *Status of women*

##### *Elaboration and implementation of international instruments*

In resolution 3521 (XXX) of 15 December 1975 on equality between men and women and elimination of discrimination against women,<sup>45</sup> the General Assembly, recalling the provisions of the Charter which, *inter alia*, emphasize the importance of the respect for human rights and fundamental freedoms for all without distinction as to race, sex, language or religion and for the equality of men and women and noting that all States were not yet parties to relevant conventions and other instruments elaborated by the United Nations, ILO, UNESCO and other United Nations bodies, called upon all States that had not yet done so to ratify the international conventions and other instruments concerning the protection of women's rights and the elimination of discrimination against women and to implement effectively the provisions of these conventions and other instruments, including declarations of the United Nations and recommendations of ILO and UNESCO and requested the Commission on the Status of Women to complete, in 1976, the elaboration of the draft Convention on the Elimination of Discrimination against Women.

#### (c) *Rights of disabled persons*

In resolution 3447 (XXX) of 9 December 1975, the General Assembly proclaimed a Declaration on the Rights of Disabled Persons.<sup>46</sup>

### 3. UNITED NATIONS ENVIRONMENT PROGRAMME

#### (a) *Intergovernmental Meeting on the Protection of the Mediterranean*

In conformity with the decisions taken by the Governing Council of UNEP at its second session, the Executive Director convened at Barcelona, from 28 January to

<sup>43</sup> For the text of the Rules, see *Report of the First United Nations Congress on the Prevention of Crime and the Treatment of Offenders* (United Nations publication, Sales No.: 56.IV.4).

<sup>44</sup> As indicated in subsection 1 (c) above, this declaration was adopted, in a slightly revised form, by the General Assembly in resolution 3452 (XXX) of 9 December 1975.

<sup>45</sup> For relevant documents, see *Official Records of the General Assembly, Thirtieth Session, Annexes*, agenda items 75 and 76.

<sup>46</sup> For relevant documents, see *ibid.*, agenda item 12.

4 February 1975, an Intergovernmental Meeting on the Protection of the Mediterranean.

The meeting, which was attended by representatives of 16 out of the 18 Mediterranean coastal States and observers, unanimously agreed on an action plan to protect the Mediterranean Sea (UNEP/WG.2/5).

It was also agreed that a plenipotentiary conference for the signing of a framework convention by all Mediterranean coastal States, as recommended in the Action Plan, should be convened by UNEP from 2 to 13 February 1976 at Barcelona.

(b) *Third session of the Governing Council*

At its third session, held in Nairobi from 17 April to 2 May 1975,<sup>47</sup> the Governing Council urged all States to become parties to existing international conventions or protocols in the field of environment as soon as possible, and requested the Executive Director to assist States, on request, in preparing legislative measures or other measures necessary for adherence to the conventions in the field of environment and management and to keep the Council informed of new conventions as well as the status of existing ones.<sup>48</sup>

The Council urged the Third United Nations Conference on the Law of the Sea to give the highest priority to incorporating into the draft treaties under its consideration effective provisions for the protection of the marine environment.<sup>49</sup>

(c) *Action by the General Assembly*

By resolution 3436 (XXX) of 9 December 1975 on conventions and protocols in the field of the environment, the Assembly requested the Executive Director of UNEP to take such measures as might be necessary for the realization of the objectives and the implementation of the strategies relating to the programme of UNEP in the field of national and international environmental law; urged all States entitled to become parties, as appropriate, to existing conventions and protocols in the field of the environment to do so as soon as possible; and requested the Governing Council of UNEP to keep it informed annually of any new international convention concluded in the field of the environment and of the status of existing conventions, as well as of the intention of Governments to become parties to such conventions.

#### 4. HUMANITARIAN ACTIVITIES

*Office of the United Nations High Commissioner for Refugees*<sup>50</sup>

The protection activities of UNHCR, which constitute the High Commissioner's primary task, called for considerable expansion in the period under review. This was largely due to the over-all increase in the number of persons of concern to his Office and to the emergence of new refugee problems in countries which are not parties to the basic legal instruments relating to the status of refugees, that is, the Convention relating to the Status of Refugees of 28 July 1951<sup>51</sup> and the 1967 Protocol thereto.<sup>52</sup> Moreover, the rate of new accessions to these instruments has remained very low.

New positive measures with a view to the granting of asylum were adopted in a few instances. However, recurrent violations of the principles of asylum and non-

<sup>47</sup> For the report of the Governing Council on its third session, see *Official Records of the General Assembly, Thirtieth Session, Supplement No. 25 (A/10025)*.

<sup>48</sup> *Ibid.*, decision 24 (III).

<sup>49</sup> *Ibid.*, decision 25 (III).

<sup>50</sup> For detailed information, see *Official Records of the General Assembly, Thirtieth Session, Supplement No. 12 (A/10012)* and *Supplement No. 12A (A/10012/Add.1)*. See also *ibid.*, Annexes, agenda item 80.

<sup>51</sup> United Nations, *Treaty Series*, vol. 189, p. 137.

<sup>52</sup> *Ibid.*, vol. 606, p. 267. Also reproduced in the *Juridical Yearbook*, 1967, p. 285.

*refoulement* and many cases of abduction of refugees called for renewed intervention by the High Commissioner with the Governments concerned in an effort to safeguard the basic human rights of refugees. At its twenty-sixth session, held in October 1975, the Executive Committee of the High Commissioner's Programme<sup>53</sup> expressed grave concern at these developments. Following its recommendation, an appeal was made urging States Members of the United Nations and non-member States to conform fully with the humanitarian principles governing the protection of refugees. The appeal called in particular for States scrupulously to observe the principle whereby no refugee should be forcibly returned to a country where he fears persecution.<sup>54</sup>

The Group of Experts<sup>55</sup> convened under General Assembly resolution 3272 (XXIX) of 10 December 1974 met at Geneva from 28 April to 9 May 1975 to review the draft text of the proposed Convention on Territorial Asylum. The report of the Secretary-General on the meeting (A/10177 and Corr.1) was transmitted to the Assembly, which decided in its resolution 3456 (XXX) of 9 December 1975 to convene a conference of plenipotentiaries from 10 January to 4 February 1977 to consider and adopt a Convention on Territorial Asylum. The Secretary-General was requested, meanwhile to refer the report of the Group of Experts to Member States for observation and comments they might wish to make before the plenipotentiary conference.

Following ratification by the sixth State, the Convention on the Reduction of Statelessness of 30 August 1961 (A/CONF.9/15) entered into force in December 1975. In resolution 3274 (XXIX) of 10 December 1974, the General Assembly requested the Office of the High Commissioner to act provisionally as supervisory body for this instrument, which seeks to help eliminate the perpetuation of refugee status by enabling children born of stateless parents on the territory of a contracting State to acquire the nationality of that State.

Existing international instruments of benefit to refugees to which new accessions were recorded include the Convention relating to the Status of Stateless Persons of 28 September 1954,<sup>56</sup> The Hague Agreement relating to Refugee Seamen of 23 November 1957<sup>57</sup> and its Protocol of 12 June 1973 and the OUA Convention Governing the Specific Aspects of Refugee Problems in Africa of 10 September 1969.<sup>58</sup>

Continued efforts were made throughout the year to ensure effective implementation of the Convention relating to the Status of Refugees of 1951 and the Protocol relating to the Status of Refugees of 1967, and to encourage the adoption of specific measures at the national level for the benefit of refugees. Special attention focused on the establishment or improvement of procedures for the determination of refugee status in order that applications of asylum-seekers might receive rapid consideration. In view of the uncertain economic conditions prevailing in many countries, careful attention was also given to refugees' access to employment. Welcome measures were taken for this purpose by a number of Governments, especially in Europe.

Accelerated admission procedures were applied, particularly for the benefit of family members of refugees from Chile, in order to facilitate the reunion of refugee

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<sup>53</sup> For the membership of the Executive Committee, see *Official Records of the General Assembly, Thirtieth Session, Supplement No. 12A* (A/10012/Add.1), para. 3.

<sup>54</sup> *Official Records of the General Assembly, Thirtieth Session, Supplement No. 12A* (A/10012/Add.1), paras. 49 (c) and 69 (b).

<sup>55</sup> For the membership of the Group of Experts, see A/10177 and Corr.1, para. 2.

<sup>56</sup> United Nations, *Treaty Series*, vol. 360, p. 130. As at 31 March 1975, 29 States were parties to that Convention.

<sup>57</sup> *Ibid.*, vol. 506, p. 125. As at 31 March 1975, 19 States were parties to that Agreement.

<sup>58</sup> Organization of African Unity, document CM/267/Rev.1. As at 31 March 1975, 16 States were parties to that Convention.

families within countries of resettlement. A number of positive replies were also received to the applications submitted to national authorities by UNHCR for the benefit of relatives of refugees seeking authorization to leave their country for reunion purposes.

#### 5. DRUG ABUSE CONTROL

As at 31 December 1975, one hundred and six States were parties to the Single Convention on Narcotic Drugs, 1961.<sup>59, 60</sup> On 8 August 1975, the 1972 Protocol amending the Single Convention on Narcotic Drugs, 1961,<sup>61</sup> came into force; as at 31 December 1975, 46 States were parties to that Protocol.<sup>62</sup>

By its resolution 3443 (XXX) of 9 December 1975 entitled "1971 Convention on Psychotropic Substances",<sup>63</sup> the General Assembly, recalling its resolution 3147 (XXVIII) of 14 December 1973 which stresses the importance to international drug control of universal accession to the Single Convention on Narcotic Drugs, 1961, the 1971 Convention on Psychotropic Substances<sup>64</sup> and the 1972 Protocol Amending the Single Convention on Narcotic Drugs, 1961, expressed its satisfaction that during 1975 several additional countries had become parties to these treaties, expressed the hope that the 1971 Convention on Psychotropic Substances would soon enter into force and urged all countries, in particular those directly concerned in the manufacture, production of and trade in psychotropic substances, not yet parties to the 1971 Convention to take urgent action to adhere to it. As at 31 December 1975, 34 States had become parties to the Convention.<sup>65</sup>

The International Narcotics Control Board, an organ created by treaty to supervise the implementation by Governments of the various drug control agreements, issued its report for 1975 (E/INCB/29).<sup>66</sup>

#### IV. THIRD UNITED NATIONS CONFERENCE ON THE LAW OF THE SEA

At the opening meeting of its third session, which was held from 17 March to 10 May 1975 at Geneva,<sup>67</sup> the Conference decided to add the word "Arabic" in rule 56 of its rules of procedures and a new rule 63A covering the observers invited pursuant to the request made to the Secretary-General under General Assembly resolution 3334 (XXIX).

Also at the first meeting, the Conference heard a message from the Secretary-General of the United Nations as well as a statement by its President. On the proposal of the President, it agreed that it was desirable that the Main Committees should immediately initiate the process of negotiation, avoiding general debate and allowing

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<sup>59</sup> United Nations, *Treaty Series*, vol. 520, p. 151. A commentary on the Convention has been issued as a United Nations publication (Sales No. E.73.XI.1).

<sup>60</sup> For the list of the States parties, see *Multilateral Treaties in respect of which the Secretary-General Performs Depositary Functions* (ST/LEG/SER.D/9; United Nations publication, Sales No. E.76.V.7).

<sup>61</sup> E/CONF.63/9. A commentary on the Convention has been issued under the symbol E/INCB/31 as a United Nations publication (Sales No. E.76.XI.5).

<sup>62</sup> See foot-note 60 above.

<sup>63</sup> For relevant documents, see *Official Records of the General Assembly, Thirtieth Session, Annexes*, agenda item 12.

<sup>64</sup> E/CONF.58/6. A commentary on the Protocol has been issued under the symbol E/CN.7/588 as a United Nations publication (Sales No. E.76.XI.6).

<sup>65</sup> See foot-note 60 above. The Convention came into force on 16 August 1976.

<sup>66</sup> United Nations publication, Sales No. E.76.XI.2.

<sup>67</sup> For the proceedings of the third session of the Conference, see *Official Records of the Third United Nations Conference on the Law of the Sea*, vol. IV (United Nations publication, Sales No. E.75.V.10).

ample time for consultations and negotiations. The work of the session was carried out mainly through informal meetings, both of an *ad hoc* nature and within the formal framework of the Conference. The General Committee met periodically to hear reports by the Chairmen of the Main Committees concerning the progress of the work. On 18 April 1975, the President of the Conference, in accordance with a commitment made at the first meeting of the session, presented an evaluation of the progress of work of the Conference.

After discussion of this evaluation by the Conference and consideration of the proposal by the President that an informal single negotiating text should be prepared, the Conference requested the Chairman of the three Main Committees each to prepare, before the end of the session, a single negotiating text covering the subjects entrusted to his Committee, taking into account all the formal and informal discussions held so far. The text would not prejudice the position of any delegation and would not represent any negotiated text or accepted compromise. The Chairmen themselves would decide whom to consult and how. In the negotiations, any representative would be free to move amendments. The informal single negotiating text prepared by the Chairman of each Main Committee was circulated (A/CONF.62/WP.8) on 9 May 1975. Each part of the text was prefaced by an introductory note by the President, in which he stated that it should be quite clear that the single negotiated text would serve as a procedural device and only provide a basis for negotiation and should not in any way be regarded as affecting either the status of proposals already made by delegations or the right of delegations to submit amendments or new proposals.

The Conference then recommended to the General Assembly that the fourth session of the United Nations Conference on the Law of the Sea should be held in New York from 9 March to 21 May 1976 and that a decision regarding a fifth session in 1976 should be left to its fourth session. The Conference further decided to request the General Assembly to accord priority to the work of the Conference in relation to other United Nations activities.

In a concluding statement, the President of the Conference, referring to an expression of concern by members of the Group of Seventy-seven about possible unilateral action in regard to the exploration and exploitation of the mineral resources of the deep sea-bed, appealed to all States to refrain from taking any action, and also to use their powers to restrain their nationals from taking any action or adopting any measures which would place in jeopardy the conclusion of a universally acceptable treaty of a just and equitable nature. He also brought to the notice of the Conference an appeal by the Chairman of the Group of Land-locked and Geographically Disadvantaged States to the effect that there should be no unilateral extensions of national jurisdiction.

## V. INTERNATIONAL COURT OF JUSTICE<sup>68, 69</sup>

### Cases submitted to the Court<sup>70</sup>

#### WESTERN SAHARA

#### *(Request for an advisory opinion)*

By resolution 3292 (XXIX) of 13 December 1974, the General Assembly had requested the Court to give an advisory opinion on the following questions:

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<sup>68</sup> For the composition of the Court, see *Official Records of the General Assembly, Thirtieth Session, Supplement No. 34* (A/10034), p. xiv.

<sup>69</sup> As of 31 December 1975, the number of States accepting the compulsory jurisdiction of the Court under Article 36, paragraph 2, stood at 45.

<sup>70</sup> For detailed information, see *I.C.J. Reports 1975*, pp. 6 and 12; *I.C.J. Yearbook 1974-1975*, No. 29; and *I.C.J. Yearbook 1975-1976*, No. 30.

"I. Was Western Sahara (Río de Oro and Sakiet El Hamra) at the time of colonization by Spain a territory belonging to no one (*terra nullius*)?"

If the answer to the first question is in the negative,

"II. What were the legal ties between this territory and the Kingdom of Morocco and the Mauritanian entity?"

On 16 October 1975, the Court delivered its advisory opinion.

With regard to question I, "Was Western Sahara (Río de Oro and Sakiet El Hamra) at the time of colonization by Spain a territory belonging to no one (*terra nullius*)?", the Court:

(a) Decided by 13 votes to 3 to comply with the request for an advisory opinion;

(b) Was unanimously of opinion that Western Sahara (Río de Oro and Sakiet El Hamra) at the time of colonization by Spain was not a territory belonging to no one (*terra nullius*).

With regard to question II, "What were the legal ties between this territory and the Kingdom of Morocco and the Mauritanian entity?", the Court:

(a) Decided by 14 votes to 2 to comply with the request for an advisory opinion;

(b) Was of opinion, by 14 votes to 2, that there had been legal ties between this territory and the Kingdom of Morocco of the kinds indicated in the penultimate paragraph of the advisory opinion.

The penultimate paragraph of the Advisory Opinion reads as follows:

"The materials and information presented to the Court show the existence, at the time of Spanish colonization, of legal ties of allegiance between the Sultan of Morocco and some of the tribes living in the territory of Western Sahara. They equally show the existence of rights including some rights relating to the land, which constituted legal ties between the Mauritanian entity, as understood by the Court, and the territory of Western Sahara. On the other hand, the Court's conclusion is that the materials and information presented to it do not establish any tie of territorial sovereignty between the territory of Western Sahara and the Kingdom of Morocco or the Mauritanian entity. Thus the Court has not found legal ties of such a nature as might affect the application of General Assembly resolution 1514 (XV) in the decolonization of Western Sahara and, in particular, of the principle of self-determination through the free and genuine expression of the will of the peoples of the Territory."

The General Assembly took note of the advisory opinion in its resolution 3458 (XXX) of 10 December 1975.

## VI. INTERNATIONAL LAW COMMISSION<sup>71</sup>

### TWENTY-SEVENTH SESSION OF THE COMMISSION<sup>72</sup>

At its twenty-seventh session, held at Geneva from 5 May to 25 July 1975, the International Law Commission continued to make substantial progress in the development of international law and its codification. The Commission devoted its session

<sup>71</sup> For the membership of the Commission, see *Official Records of the General Assembly, Thirty-first Session, Supplement No. 10 (A.31/10)*, chap. 1.

<sup>72</sup> For detailed information, see *Yearbook of the International Law Commission, 1975*, vol. I and II (United Nations publication, Sales Nos. E.76.V.3 and E.76.V.4).

to the examination of reports submitted by the Special Rapporteurs on the following topics: State responsibility; succession of States in respect of matters other than treaties; most-favoured-nation clause; and questions of treaties concluded between States and international organizations or between two or more international organizations. On all of those topics, the Commission adopted in first reading a series of draft articles, together with commentaries. The Commission also reached conclusions on the general goals towards which its efforts should be directed, on the basis of an over-all review of the existing programme of work made by a planning group set up during the session.

#### CONSIDERATION BY THE GENERAL ASSEMBLY

On 15 December 1975, the General Assembly adopted resolution 3495 (XXX) concerning the report of the International Law Commission on the work of its twenty-seventh session.<sup>73</sup> In the resolution, the Assembly, *inter alia*, recommended that the Commission should complete at its twenty-eighth session the first reading of draft articles on the most-favoured-nation clause; continue on a high priority basis its work on State responsibility with a view to completing the preparation of a first set of draft articles on responsibility of States for internationally wrongful acts at the earliest possible time and take up, as soon as appropriate, the separate topic of international liability for injurious consequences arising out of acts not prohibited by international law; proceed with the preparation, on a priority basis, of draft articles on succession of States in respect of matters other than treaties; proceed with the preparation of draft articles on treaties concluded between States and international organizations or between international organizations; and continue its study of the law of the non-navigational uses of international watercourses. In addition, the Assembly expressed confidence that the Commission would review the progress of its work and adopt, in the light of such a review, the methods of work best suited to the speedy realization of the tasks entrusted to it.

#### VII. UNITED NATIONS COMMISSION ON INTERNATIONAL TRADE LAW<sup>74</sup>

The United Nations Commission on International Trade Law continued to make substantial progress in the unification and harmonization of the law of international trade.

The eighth session of the Commission was held at Geneva from 1 to 18 April 1975.<sup>75</sup> The Commission devoted its session to the examination of reports from the Working Group on the International Sale of Goods, the Working Group on International Negotiable Instruments and the Working Group on International Legislation on Shipping and to the consideration of reports on general conditions of sale and standard contracts, security interest in goods, liability for damage caused by products intended for or involved in international trade, international commercial arbitration and multinational enterprises. The Commission requested the Secretary-General to transmit the draft Convention on the International Sale of Goods, when completed by the Working Group, to Governments and interested international organ-

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<sup>73</sup> *Official Records of the General Assembly, Thirtieth Session, Supplement No. 10 (A/10010/Rev.1)*. For other relevant documents, see *ibid.*, *Thirtieth Session, Annexes*, agenda item 108.

<sup>74</sup> For the membership of the Commission, see *Official Records of the General Assembly, Thirtieth Session, Supplement No. 17 (A/10017)*, chap. I, sect. B.

<sup>75</sup> For detailed information, see *Yearbook of the United Nations Commission on International Trade Law*, vol. VI, 1975 (United Nations publication, Sales No. E.76.V.5).

izations for their comments and to prepare an analysis of such comments for consideration by the Commission at its tenth session. The Commission also commended the use of the 1974 revision by the International Chamber of Commerce of "Uniform Customs and Practice for Documentary Credits".

The Commission decided to consider the draft Convention on the Carriage of Goods by Sea at its ninth session; it further requested the Secretary-General to prepare a revised text of the draft set of arbitration rules in accordance with the comments made by the Commission at its eighth session and to submit a report for the Commission's consideration at its ninth session.

In connexion with the session of the Commission, a symposium was held from 14 to 18 April 1975 on the role of universities and research centres in the teaching, dissemination and wider appreciation of international trade law.

The report of the Commission on the work of its eighth session<sup>70</sup> was considered by the General Assembly at its thirtieth session. In resolution 3494 (XXX) of 15 December 1975, the Assembly *inter alia* noted with satisfaction that a draft convention on the carriage of goods by sea had been transmitted to Governments and interested international organizations for their comments and that work on a draft convention on the international sale of goods was nearing completion and would be transmitted to Governments and interested international organizations for their comments in the near future.

## VIII. OTHER LEGAL QUESTIONS

### 1. UNITED NATIONS CONFERENCE ON THE REPRESENTATION OF STATES IN THEIR RELATIONS WITH INTERNATIONAL ORGANIZATIONS

The United Nations Conference on the Representation of States in Their Relations with International Organizations was held at Vienna, at the invitation of the Government of Austria, from 4 February to 14 March 1975.<sup>77</sup> At the conclusion of its work the Conference adopted the Vienna Convention on the Representation of States in Their Relations with International Organizations of a Universal Character,<sup>78</sup> which progressively develops and codifies this subject of international law, thus completing the codification of diplomatic law. The Conference also adopted a Final Act and five resolutions which are annexed to the Final Act.<sup>79</sup>

### 2. CONFERENCE OF PLENIPOTENTIARIES ON SUCCESSION OF STATES IN RESPECT OF TREATIES

By resolution 3496 (XXX) of 15 December 1975, the General Assembly decided to convene a conference of plenipotentiaries in 1977 to consider the draft articles on succession of States in respect of treaties, adopted by the International Law Commission in 1974,<sup>80</sup> and to embody the results of its work in an international convention and such other instruments as it may deem appropriate.

<sup>76</sup> *Official Records of the General Assembly, Thirtieth Session, Supplement No. 17 (A/10017)*. For other relevant documents, see *ibid.*, Annexes, agenda item 110.

<sup>77</sup> For the proceedings of the Conference, see *Official Records of the United Nations Conference on the Representation of States in Their Relations with International Organizations*, document A/CONF.67/18 and Add.1 (United Nations publications, Sales Nos. E.75.V.11 and E.75.V.12).

<sup>78</sup> Reproduced on p. 87 of this *Yearbook*.

<sup>79</sup> See p. 114 of this *Yearbook*.

<sup>80</sup> *Official Records of the General Assembly, Twenty-ninth Session, Supplement No. 10 (A/10010)*. For other relevant documents, see *ibid.*, *Thirtieth Session, Annexes*, agenda item 109.

### 3. QUESTION OF DIPLOMATIC ASYLUM

In accordance with General Assembly resolution 3321 (XXIX) of 14 December 1974, the Secretary-General submitted to the Assembly at its thirtieth session a report on diplomatic asylum which contained, in document A/10139 (Part I) and Add.1, the views expressed by Member States further to a request contained in the above-mentioned resolution and, in document A/10139 (Part II), an analysis of the question of diplomatic asylum.<sup>81</sup>

In resolution 3497 (XXX) of 15 December 1975, the General Assembly expressed its thanks to the Secretary-General for his report, invited Member States wishing to express their views or to supplement views already expressed on the question to communicate those views to the Secretary-General by 31 December 1976, and decided to give further consideration to this question at a future session of the Assembly.

### 4. SPECIAL COMMITTEE ON THE CHARTER OF THE UNITED NATIONS AND ON THE STRENGTHENING OF THE ROLE OF THE ORGANIZATION

Pursuant to General Assembly resolution 3349 (XXIX) of 17 December 1974, the *Ad Hoc* Committee on the Charter of the United Nations<sup>82</sup> met at the United Nations Headquarters from 28 July to 22 August 1975 and submitted a report<sup>83</sup> on its work to the Assembly at its thirtieth session. The Assembly considered the report of the *Ad Hoc* Committee together with another item on its agenda entitled "Strengthening of the role of the United Nations with regard to the maintenance and consolidation of international peace and security, the development of co-operation among all nations and the promotion of the rules of international law in relations between States: reports of the Secretary-General".<sup>84</sup>

In resolution 3499 (XXX) of 15 December 1975, the General Assembly, while reaffirming its support for the purposes and principles of the Charter, decided that the *Ad Hoc* Committee should be reconvened as the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization, consisting of 47 members.<sup>85</sup> The Special Committee was instructed, *inter alia*, to examine the observations received from Governments concerning suggestions and proposals regarding the Charter of the United Nations and the strengthening of the role of the Organization. It was also to consider any additional specific proposals that Governments might make with a view to enhancing the Organization's ability to achieve its purposes. The General Assembly requested the Secretary-General to prepare for the use of the Special Committee a study presenting analytically the views expressed by Governments with respect to the various aspects of the functioning of the United Nations, including those relating specifically to the Charter.

### 5. RESPECT FOR HUMAN RIGHTS IN ARMED CONFLICTS AND PROTECTION OF JOURNALISTS ENGAGED IN DANGEROUS MISSIONS IN AREAS OF ARMED CONFLICT

At its thirtieth session, the General Assembly considered the item "Respect for human rights in armed conflicts" together with the item "Human rights in armed conflicts: protection of journalists engaged in dangerous missions in areas of armed

<sup>81</sup> For other relevant documents, see *ibid.*, *Thirtieth Session, Annexes*, agenda item 111.

<sup>82</sup> For the membership of the Committee, see *Official Records of the General Assembly, Thirtieth Session, Supplement No. 33 (A/10033)*, para. 2.

<sup>83</sup> *Official Records of the General Assembly, Thirtieth Session, Supplement No. 33 (A/10033)*.

<sup>84</sup> For relevant documents, see *ibid.*, *Thirtieth Session, Annexes*, agenda items 29 and 113.

<sup>85</sup> For the membership of the Special Committee, see *ibid.*, *Thirtieth Session, Supplement No. 34 (A/10034)*, p. 153.

conflict". In accordance with Assembly resolution 3319 (XXIX) of 14 December 1974, the Secretary-General submitted to the Assembly at that session a report (A/10195 and Corr.1 and Add.1) containing a summary of the proceedings and results of the second session of the Diplomatic Conference on the Reaffirmation and Development of International Humanitarian Law Applicable in Armed Conflicts, convened by the Swiss Federal Council at Geneva from 3 February to 18 April 1975, as well as information on relevant activities of certain non-governmental bodies. A note by the Secretary-General (A/10147) on the protection of journalists engaged in dangerous missions in areas of armed conflict was also circulated.<sup>86</sup>

On 15 December 1975, the General Assembly adopted resolution 3500 (XXX), in which it expressed its appreciation to the Swiss Federal Council for convoking in 1976 the third session of the Diplomatic Conference on the Reaffirmation and Development of International Humanitarian Law Applicable in Armed Conflicts and to the International Committee of the Red Cross for convoking in 1976 the second Conference of Government Experts on Weapons That May Cause Unnecessary Suffering or Have Indiscriminate Effects.

The General Assembly, welcoming the substantial progress made at the second session of the Diplomatic Conference, called upon all parties to armed conflicts to acknowledge and to comply with their obligations under the humanitarian instruments and to observe the international humanitarian rules which are applicable, in particular the Hague Conventions of 1899 and 1907,<sup>87</sup> the Geneva Protocol of 1925<sup>88</sup> and the Geneva Conventions of 1949;<sup>89</sup> drew the attention of the Diplomatic Conference and of participating Governments and organizations to the need for measures to promote on a universal basis the dissemination of, and instruction in, the rules of international humanitarian law applicable in armed conflicts; and urged all participants in the Diplomatic Conference to do their utmost to reach agreements on additional rules which might help to alleviate the suffering brought about by armed conflicts and to respect and protect non-combatants and civilian objects in such conflicts. The Assembly also took note with appreciation of the decision of the Diplomatic Conference to complete its work on the subject during its next session.

## 6. IMPLEMENTATION BY STATES OF THE PROVISIONS OF THE VIENNA CONVENTION ON DIPLOMATIC RELATIONS OF 1961

This item which had been included in the agenda of the twenty-ninth session of the General Assembly at the request of the Union of Soviet Socialist Republics (A/9745)<sup>90</sup> was not considered at that session for lack of time. At the thirtieth session the General Assembly, in resolution 3501 (XXX) of 15 December 1975, reaffirmed the need for strict implementation by States of the provisions of the Vienna Convention on Diplomatic Relations of 1961<sup>91</sup> in the interest of maintaining normal relations between them, strengthening international peace and security and developing international co-operation. The Assembly also deplored instances of violations of the rules of international diplomatic law and, in particular, of the provisions of the Vienna Convention and invited Member States to submit to the Secretary-General

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<sup>86</sup> For other relevant documents, see *ibid.*, *Thirtieth Session, Annexes*, agenda items 70 and 114.

<sup>87</sup> Carnegie Endowment for International Peace, *The Hague Conventions and Declarations of 1899 and 1907* (New York, Oxford University Press, 1915).

<sup>88</sup> League of Nations, *Treaty Series*, vol. XCIV, p. 65.

<sup>89</sup> United Nations, *Treaty Series*, vol. 75.

<sup>90</sup> For the request and other relevant documents see *Official Records of the General Assembly, Twenty-ninth Session, Annexes*, agenda item 112 and *ibid.*, *Thirtieth Session, Annexes*, agenda item 115.

<sup>91</sup> United Nations, *Treaty Series*, vol. 500, p. 95.

their comments and observations on ways and means to ensure the implementation of the provisions of the Vienna Convention, as well as on the desirability of elaborating provisions concerning the status of the diplomatic courier.

## IX. UNITED NATIONS INSTITUTE FOR TRAINING AND RESEARCH<sup>92</sup>

As in previous years UNITAR assumed responsibility for the major part of the United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law established under General Assembly resolution 2099 (XX) of 20 December 1965. Nineteen fellowships were awarded to young Government legal advisers and teachers of international law, mostly from developing countries. The study scheme included participation in the courses on international law at The Hague Academy of International Law and in the special courses and seminars organized by UNITAR during this period.

In accordance with General Assembly resolution 2099 (XX), UNITAR also organized, jointly with the Office of Legal Affairs of the United Nations Secretariat, two regional training and refresher courses in international law in Africa; the main subject of both courses dealt with legal aspects relating to the economic and social development of developing countries with special reference to the African context.

UNITAR also organized a briefing/teaching seminar on the basic issues and changing technologies relating to the Third United Nations Conference on the Law of the Sea as well as a briefing seminar on the Review Conference of Parties to the Treaty on the Non-Proliferation of Nuclear Weapons.

In the field of research, mention should be made of a study entitled *The Ways of the Peace-Maker* (UNITAR/PS/8) which deals with some of the important problems concerning the initiative and organization of informal intermediary assistance by the United Nations for peaceful settlement of disputes and examines procedural questions such as securing the consent of the parties to the use of United Nations assistance, the authority and effectiveness of the procedures brought to bear upon a conflict situation and the comprehensiveness of solutions agreed upon for reaching settlements on long-standing and complex disputes.

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

### 1. INTERNATIONAL LABOUR ORGANISATION<sup>93</sup>

1. The International Labour Conference (ILC) which held its sixtieth session in Geneva in June 1975, adopted the following instruments: a Convention and a

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<sup>92</sup> For detailed information, see the report of the Executive Director of UNITAR to the General Assembly, *Official Records of the General Assembly, Thirtieth Session, Supplement No. 14 (A/10014)*.

<sup>93</sup> In regard to the adoption of instruments, the preparatory work which, by virtue of the double-discussion procedure, normally covers a period of two years, is indicated, in order to facilitate reference work, according to the year during which the instrument was adopted.

Recommendation concerning Organisations of Rural Workers;<sup>94</sup> a Convention and a Recommendation concerning the Development of Human Resources;<sup>95</sup> a Convention on Migrant Workers (complementary dispositions); and a Recommendation on Migrant Workers.<sup>96</sup>

2. The International Labour Conference (ILC) also adopted certain regulatory amendments:

- (i) Articles 48, 49, 50 and 54 of the Standing Orders of the International Labour Conference were modified as a result of the entry into force of the Instrument of Amendment to the Constitution of the ILO, 1972 (Increase in the number of members of the Governing Body).<sup>97</sup>
- (ii) Articles 2 (paragraph 3), 14, 55 (paragraphs 2 and 3) and 56 of the Standing Orders of the International Labour Conference, and Articles 1 and 11 of the Rules concerning the Powers, Functions and Procedure of Regional Conferences convened by the International Labour Organisation were modified to permit the participation, *as observers*, of certain national liberation movements at meetings of the ILO.<sup>98</sup>

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<sup>94</sup> *Official Bulletin*, Vol. LVIII, 1976, Series A, No. 1, pp. 28-32 and 43-48, English, French, Spanish. Regarding preparatory work, see: *First Discussion—Organisations of Rural Workers and Their Role in Economic and Social Development*, ILC, 59th Session (1974), Report VI (1) (this report contains, *inter alia*, details of the action which led to the placing of the question on the agenda of the Conference) and Report VI (2), 67 and 65 pages respectively, English, French, Spanish, German and Russian. See also ILC, 59th Session (1974), *Record of Proceedings*, pp. 447-462 and 645-650, English, French, Spanish; *Second Discussion—Organisations of Rural Workers and Their Role in Economic and Social Development*, ILC, 60th Session (1975), Report IV (1) and Report IV (2), 51 and 45 pages respectively, English, French, Spanish, German, Russian. See also ILC, 60th Session (1975), *Record of Proceedings*, pp. 439-453, 798-800 and 801, English, French, Spanish.

<sup>95</sup> *Official Bulletin*, Vol. LVIII, 1975, Series A, No. 1, pp. 32-35 and 49-69, English, French, Spanish. Regarding preparatory work, see: *First Discussion—Development of Human Resources: Vocational Guidance and Training*, ILC, 59th Session (1974), Report VIII (1) (this report contains, *inter alia*, details of the action which led to the placing of the question on the agenda of the Conference) and Report VIII (2), 65 and 88 pages respectively, English, French, Spanish, German, Russian. See also ILC, 59th Session (1974), *Record of Proceedings*, pp. 491-515, 706-712 and 715, English, French, Spanish; *Second Discussion—Development of Human Resources: Vocational Guidance and Training*, ILC, 60th Session (1975), Report VI (1) and Report VI (2), 83 and 105 pages respectively, English, French, Spanish, German, Russian. See also ILC, 60th Session (1975), *Record of Proceedings*, pp. 520-551, 729-735, 801 and 820-821, English, French, Spanish.

<sup>96</sup> *Official Bulletin*, Vol. LVIII, 1975, Series A, No. 1, pp. 35-42 and 69-75, English, French, Spanish. Regarding preparatory work, see: *First Discussion—Migrant Workers*, ILC, 59th Session (1974), Report VII (1) (this report contains, *inter alia*, details of the action which led to the placing of the question on the agenda of the Conference) and Report VII (2), 78 and 93 pages respectively, English, French, Spanish, German, Russian. See also ILC, 59th Session (1974), *Record of Proceedings*, pp. 569-587 and 715-726, English, French, Spanish; *Second Discussion—Migrant Workers*, ILC, 60th Session (1975), Report V (1) and Report V (2), 58 and 65 pages respectively, English, French, Spanish, German, Russian. See also ILC, 60th Session (1975), *Record of Proceedings*, pp. 637-661, 789-798, 832-835 and 837-841, English, French, Spanish.

<sup>97</sup> ILC, 60th Session, 1975, *Record of Proceedings*, pp. 37, 137 and 141, English, French, Spanish. The text of the Instrument of Amendment is reproduced on p. 86 of the *Juridical Yearbook*, 1972.

<sup>98</sup> ILC, 60th Session, 1975, *Record of Proceedings*, pp. 37-39, 204-207, 234-245 and 247-256, English, French, Spanish.

3. The Committee of Experts on the Application of Conventions and Recommendations met in Geneva, from 13 to 25 March 1975, and presented its Report.<sup>99</sup>

4. The Governing Body Committee on Freedom of Association met in Geneva and adopted Reports 149<sup>100</sup> and 150<sup>100</sup> (196th session of the Governing Body, February-March 1975); Reports 151<sup>100</sup> and 152<sup>100</sup> (197th session, May 1975); and Reports 153,<sup>101</sup> 154<sup>101</sup> and 156<sup>101</sup> (198th session, November 1975).

5. Finally, mention may be made of the publication of the reports of the Fact-Finding and Conciliation Commission on Freedom of Association concerning the case of Chile,<sup>102</sup> and the Commission appointed under Article 26 of the Constitution to examine the observance by Chile of the Hours of Work (Industry) Convention, 1919 (No. 1), and the Discrimination (Employment and Occupation) Convention, 1958 (No. 111).<sup>103</sup>

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## 2. FOOD AND AGRICULTURE ORGANIZATION OF THE UNITED NATIONS

### I. OFFICE OF THE LEGAL COUNSEL<sup>104</sup>

#### 1. *General constitutional and legal matters*

In addition to current legal advice and services provided to the Director-General and various units of the Secretariat, activities related mainly to the legal matters considered by the Conference and the Council (some of which were examined, in the first instance, by the Committee on Constitutional and Legal Matters (CCLM) at its thirtieth and thirty-first sessions held in May/June and in October/November 1975), and by other bodies of FAO to which legal servicing was provided by the Legal Office.

The Conference adopted, at its eighteenth session held in November 1975, the following resolutions or decisions of a legal nature:

—pursuant to the recommendations contained in Resolution XXII of the World Food Conference<sup>105</sup> which was endorsed by the United Nations General Assembly<sup>106</sup>

(a) to establish a Committee on World Food Security as a Standing Committee of the Council by amending Article V of the Constitution and inserting a new Rule in the General Rules of the Organization (GRO),<sup>107</sup>

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<sup>99</sup> This report has been published as Report III (Part 4) to the sixtieth session (1975) of the International Labour Conference, and consists of two volumes: Vol. A: "General Report and Observations concerning Particular Countries" (Report III, Part 4 A), 236 pages, English, French, Spanish; and Vol. B: "General Survey of the Reports relating to Convention (No. 100) and Recommendation (No. 90) on Equal Remuneration, 1951" (Report III, Part 4 B), 89 pages, English, French, Spanish.

<sup>100</sup> *Official Bulletin*, Vol. LVIII, 1975, Series B, No. 3.

<sup>101</sup> These reports have been published in the *Official Bulletin*, Vol. LIX, 1976, Series B.

<sup>102</sup> Provisional edition, English, French, Spanish, 122 pages, excluding Annexes.

<sup>103</sup> Provisional edition, English, French, Spanish, 54 pages.

<sup>104</sup> For general information on the organization and functions of the Office of the Legal Counsel, see *Juridical Yearbook*, 1972, p. 60, note 47.

<sup>105</sup> United Nations document E/5587.

<sup>106</sup> Resolution 3348 (XXIX).

<sup>107</sup> C 75/REP, paras. 347-351; C 75/41; C 75/LIM/28; CL 67/REP; C 75/III/PV/1; C 75/III/PV/6.

(b) to reconstitute the Intergovernmental Committee of the World Food Programme (IGC) as the Committee on Food Aid Policies and Programmes (FAC);<sup>108</sup>

- to amend the General Rules so that there will be an avoidance of jurisdictional conflicts and duplication of the functions of the Committee on Commodity Problems (CCP) and the Committee on World Food Security and the Committee on Food Aid Policies and Programmes;<sup>109</sup>
- to make the membership of the CCP, Committee on Fisheries (COFI), Committee on Agriculture (COAG) and the Committee on Forestry (COFO) open to all Member Nations of the Organization; for this purpose, Article V of the Constitution and Rules XXIX, XXX, XXXII, XXXIV and XXV (GRO) were amended to the effect that Member Nations can acquire membership for a biennium by simple notification which may be submitted at any time;<sup>110</sup>
- to amend Rule XXXII (GRO) to expand the terms of reference of COAG<sup>111</sup> and to change the timing of its sessions;
- to amend Article VI-3 of the Constitution adopted at the ninth session, and paragraph 35 of the Principles relating to commissions and committees established under Article XIV of the Constitution, so as to dispense with the requirement of confirmation by Conference or Council of Rules of Procedure adopted by such bodies;<sup>112</sup>
- to amend the General Rules and the Financial Regulations to bring them into line with the current practice of submitting a summary or draft Programme of Work and Budget, and to harmonize the provisions relating to the procedure for convening the “open” Standing Committee of the Council;<sup>113</sup>
- to amend the Financial Regulations so as to provide for the reporting by the Director-General to the Finance Committee of budgetary transfers under the Organization’s programme-budget system;<sup>114</sup>
- to take note of the Statutory Report on Status of Conventions and Agreements and on Amendments thereto;<sup>115</sup>
- to admit to FAO membership, by a secret ballot requiring a two-thirds majority in accordance with Article II-2 of the Constitution and Rule XII-9 (GRO), Bahamas, Cape Verde, Grenada and Papua New Guinea;<sup>116</sup> in the case of Surinam, the Conference waived paragraphs 1 and 2 of Rule XIX (GRO) in order to permit, as had been done on previous occasions, the consideration of an application for membership received during the Conference Session;<sup>117</sup>

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<sup>108</sup> C 75/REP, paras. 352-356; C 75/42; C 75/LIM/24; C 75/III/PV/1. Parallel action was taken by the General Assembly, which adopted a similar resolution (General Assembly resolution 3404 (XXX)).

<sup>109</sup> C 75/REP, paras. 306-361; C 67/REP paras. 147-149; C 75/LIM/28, C 75/III/PV/2.

<sup>110</sup> C 75/REP, paras. 359 and 362-366; C 76/44; C 73/LIM/24; C 75/III/IV/2.

<sup>111</sup> C 75/REP, paras. 367-369; C 75/36; C 75/LIM/24; C 75/III/PV/2; C 75/PV/22.

<sup>112</sup> C 75/REP, paras. 370-73; C 75/45; C 75/III/PV/2.

<sup>113</sup> C 75/REP, paras. 376-378; C 75/LIM/28; C 75/III/PV/2; CL 67/REP, paras. 150-151.

<sup>114</sup> C 75/REP, paras. 379-380; C 75/47; C 75/LIM/24; C 76/III/PV/2.

<sup>115</sup> C 75/43, C 75/43-Supp. 1, 18 pp.

<sup>116</sup> C 75/REP, paras. 430, 431 and 433; C 75/39; C 75/LIM/51; C 75/INF/2; C 75/INF/9; C 75/PV/20; C 75/PV/21.

<sup>117</sup> C 75/REP, paras. 432-433.

- to request the FAO Council to consider the whole problem of the Constitution and Rules of the Council;<sup>118</sup>
- to resolve that the FAO Credit Union become an integral part of FAO;<sup>119</sup>
- to authorize the Director-General to negotiate and contract loans as needed for advancing funds to UNDP during 1975 and 1976 up to the limit of \$10 million, on the understanding that the actual cost of interest incurred or foregone on loans will be reimbursed by UNDP.<sup>120</sup>

The Council, in addition to making recommendations to the Conference on the abovementioned matters, took, at its sixty-sixth, sixty-seventh and sixty-eighth sessions (the first held in June and the latter two in November 1975), decisions on the following items of legal interest:

- recommended new draft guidelines proposed by the CCLM, as amended, for the formulation of Conference resolutions which should also apply, *mutatis mutandis*, to recommendations of Regional Conferences;<sup>121</sup>
- confirmed the amendments of the Rules of Procedure of the Indo-Pacific Fisheries Council, the Regional Fisheries Advisory Commission for the Southwest Atlantic and the Rules of Procedure of the Fishery Committee for the Eastern Central Atlantic subject to their review by the CCLM;<sup>122</sup>
- approved the proposal regarding the establishment of a Joint FAO/ECE Working Party on Mechanization of Agriculture and a Joint FAO/ECE Working Party on Agrarian Structure and Farm Rationalization, and authorized the Director-General to draw up and promulgate, in accordance with paragraph 3 of Article VI of the Constitution and in consultation with the Executive Secretary of ECE, Appropriate Statutes for the aforementioned Joint Working Parties;<sup>123</sup>
- decided to establish under Article VI-2 of the Constitution a Working Party of selected Member Nations to study the composition and terms of reference of the Council, the Programme Committee, the Finance Committee and the CCLM, and to make appropriate recommendations taking full account of the views expressed on the matter during the Conference.<sup>124</sup>

The Legal Office was also engaged in work connected with the follow-up of the recommendations of the World Food Conference; in particular, the Legal Counsel served as Legal Adviser to the First Session of the World Food Council in June 1975. The Legal Office also provided the Secretary for the *Ad Hoc* Working Group on the Rules and Procedures of the World Food Council. In addition, the Legal Office provided advice to the Second and Third Meetings of Interested Countries on the Establishment of the International Fund for Agricultural Development, and to the two

<sup>118</sup> C 75/REP, para. 357; C 75/1-Rev.1; C 75/IV/2.

<sup>119</sup> C 75/REP, paras. 423-424; C 75/LIM/9; C 75/LIM/28; C 75/III/PV/4; CL 66/2, paras. 3.285 and 3.298; CL 67/3, paras. 13-18 and Appendix B; CL 66/REP, paras. 213-216; CL 67/REP, paras. 162-163.

<sup>120</sup> C 75/REP, paras. 289-295; C 75/INF/23; C 75/LIM/56; C 75/LIM/56-Corr.1; C 75/11/PV/19; C 75/11/PV/20; C 75/11/PV/21; C 75/PV/23.

<sup>121</sup> CL 66/REP, paras. 152 and 261-267 and Appendix J; C 71/REP, para. 19; CL 60/REP, paras. 188-189; CL 66/5, paras. 27-39 and Appendix A.

<sup>122</sup> CL 66/REP, paras. 283-285; CL 66/32.

<sup>123</sup> CL 67/REP, paras. 157-161; CL 67/2, paras. 2.125, 3.216-3.219; CL 67/3, paras. 19-20; CL 67/11; CL 67/PV/8.

<sup>124</sup> CL 68/REP, paras. 11-17; CL 68/PV/2.

meetings of the *Ad Hoc* Working Group set up at the First Meeting of Interested Countries.

The Legal Office also participated in the drawing up of the Agreement for the Establishment of a Regional Animal Production and Health Commission for Asia, the Far East and the South West Pacific, which came into force on 29 December 1975.

## 2. *Environment law*

Legal Office staff provided secretariat services and documentation, jointly with the United Nations Environment Programme, for the "Intergovernmental Meeting on the Protection of the Mediterranean" held in Barcelona in January-February 1975, and for the Working Group on "Draft Legal Instruments for the Protection of the Mediterranean" at its meeting in Geneva in April 1975 and thereafter; participated in the Meeting of Experts on "International Environment Law", convened by the United Nations Environment Programme in Geneva in February 1975; contributed papers and served as general rapporteur at the Conference on "International Environment Law", organized by the British Institute of International and Comparative Law in London in September 1975; participated in the WMO/UNEP Expert Meeting on "Legal Aspects of Weather Modification" in Geneva in November 1975; hosted and chaired the Workshop on "Guidelines for Environmental Legislation in Developing Countries" organized by the International Association of Legal Science in Rome in December 1975.

FAO published translations and summaries of environmental legislation of various countries and references to other current national legislation in this field,<sup>125</sup> and prepared for the Fund of the United Nations Environment Programme drafts for a joint FAO/UNEP project to record in machine-readable form the legislative data stored with the FAO Legal Office relating to natural resources and the human environment.

Continued legislative drafting assistance was provided, within the framework of UNDP, to the Government of Colombia for implementing regulations in connexion with the "Code of Renewable Natural Resources and Environment Protection" prepared with FAO/UNEP assistance in 1974. A preliminary consultancy mission to Indonesia, Malaysia and Singapore was carried out in August 1975 with a view to formulating a technical assistance programme for the development of national environmental legislation in Indonesia, and for related regional action proposals to protect the marine environment against pollution in the Malacca/Singapore Straits area.

## 3. *Law of the sea and international fisheries*

FAO participated in the third session of the United Nations Conference on the Law of the Sea in March-May 1975 and submitted updated versions of (i) a publication on the limits and status of the territorial sea, exclusive fishing zones, fishery conservation zones and the continental shelf, and (ii) a report on FAO, the FAO Committee on Fisheries and international and regional fishery bodies.<sup>126</sup>

At its tenth session in June 1975, the FAO Committee on Fisheries considered the progress achieved by the Conference, and it requested one of its Sub-Committees to assess the future role of FAO in fisheries, of the Committee itself and of regional fishery bodies in the context of any new legal order that may govern fisheries. The meeting of the Sub-Committee was scheduled for March 1976.

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<sup>125</sup> Food and Agricultural Legislation, Volume XXIV, Nos. 1 and 2.

<sup>126</sup> FAO Fisheries Circular No. 127, Rev.2, 1975, and No. 331, 1975.

An *ad hoc* Committee, set up by the Indo-Pacific Fisheries Council (IPFC) at its sixteenth session in November 1974 to review its functions and responsibilities, met in December 1975. It considered documents on (i) intergovernmental fishery bodies operating in the Indo-Pacific area and (ii) the views of IPFC member countries on the area served by the IPFC, the scope of its functions and duties and its responsibilities with regard to fishery management.<sup>127</sup> Considering that the IPFC should be more involved in all aspects of fishery management and development, the *ad hoc* Committee formulated a number of draft amendments to the 1948 Agreement establishing the IPFC. Its report will be examined by the IPFC at its seventeenth session in November 1976.

## II. LEGISLATION BRANCH<sup>128</sup>

In addition to the specific activities described below, legal officers participated in the Conference of Global Water Law Systems held in Valencia, Spain, 31 August–6 September 1975, and in the session of the Committee on the Law of International Water Resources of the International Law Association, held in New Delhi, India, in January 1975 and in Rome in October 1975; in the III International Symposium on Groundwater and II International Conference on Water Planning, held in Palermo, Italy, 1-5 November 1975; in the VIII Colloquium on Agrarian Law, held in Paris, 6-8 November 1975; in the First International Congress of the European Food Law Association (EFLA), held in Parma, Italy, 26-27 September 1975, on "International Food Standards and National Laws". Assistance was also given in the preparation of documentation for an FAO regional workshop on forestry administration in Latin America; work continued in the preparation of a draft convention for the control of the spread of major communicable fish diseases and a revised draft convention was circulated to member Governments for comment.

### (a) *Legislative assistance and expert advice in the field*

- rural legislation and land administration in Togo;
- water legislation and administration in Brazil, Indonesia and Oman;
- fisheries legislation and administration in Argentina, Malaysia, Philippines and United Arab Emirates;
- forestry legislation in Papua New Guinea and El Salvador;
- subsidiary legislation on renewable natural resources and environmental protection in Colombia;
- Seed Law for Nepal.

### (b) *Legal drafting*

- preliminary works on technical assistance to the Dominican Republic's Government on agrarian and water legislation;
- comments on draft groundwater use regulations in the Philippines;
- draft of Food Stock Legislation in Iran;
- draft of Seed Law for Pakistan;
- comments on and assistance in drafting of wildlife and national parks legislation in Dominica, St. Lucia, Indonesia and Afghanistan.

<sup>127</sup> IPFC.AHC/75/4; IPFC.AHC/75/5.

<sup>128</sup> For general information on the organization and functions of the Legislation Branch see *Juridical Yearbook*, 1972, p. 62, note 59.

(c) *Special or comparative legal studies and reports*

A number of studies and documents prepared by or in cooperation with the Legislation Branch have been issued in the course of the year, concerning, *inter alia*, water legislation and administration, natural resources management; joint ventures in fisheries, international controls over marine pollution, and incentives in forestry.<sup>129</sup>

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

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

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### 3. UNITED NATIONS EDUCATIONAL, SCIENTIFIC AND CULTURAL ORGANIZATION

#### 1. MEMBERSHIP OF THE ORGANIZATION

The Constitution of the Organization was signed on behalf of Grenada on 17 February 1975. The instrument of acceptance by Grenada of the Constitution having been deposited on 29 November 1974 with the Government of the United Kingdom of Great Britain and Northern Ireland, Grenada became a Member State of the Organization on 17 February 1975, in accordance with the relevant provisions of the Constitution.<sup>130</sup>

#### 2. INTERNATIONAL REGULATIONS

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

In pursuance of Article 15 of the "Rules of Procedure concerning Recommendations to Member States and International Conventions covered by the terms of Article IV, paragraph 4, of the Constitution", the Director-General transmitted to Member States certified copies of the following three Recommendations which were adopted by the General Conference during its eighteenth session held at the Headquarters of the Organization, Paris, from 17 October to 23 November 1974:

- Recommendation concerning education for international understanding, co-operation and peace and education relating to human rights and fundamental freedoms;
- Revised recommendation concerning technical and vocational education;
- Recommendation on the status of scientific researchers.

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

Transmitted with the certified copies were copies of a "Memorandum concerning the obligation to submit conventions and recommendations adopted by the General Conference to the 'competent authorities' and the submission of initial special reports on the action taken upon these conventions and recommendations". This Memorandum has been prepared, upon instructions from the General Conference,

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<sup>129</sup> See the Bibliography appearing at the end of this *Yearbook*.

<sup>130</sup> See Articles II and XV of the Constitution.

by the Director-General. It contains the various provisions of the Constitution and the regulations applicable, together with the other suggestions that the General Conference itself has found it necessary to formulate, at its earlier sessions, concerning the matters indicated by the memorandum's comprehensive title.

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

(i) On 21 August 1975, the instrument of accession by Greece to the Convention on Wetlands of International Importance especially as Waterfowl Habitat, done at Ramsar, Iran, on 2 February 1971, was deposited with the Director-General.

Greece was the seventh State either to have signed the Convention without reservation as to ratification or to have signed it and ratified it or to have acceded to it, in accordance with the provisions of its Article 9 (2). Article 10 of this Convention provides that the Convention "shall enter into force four months after seven States have become Parties to this Convention in accordance with paragraph 2 of Article 9" and that thereafter it "shall enter into force for each Contracting Party four months after the day of its signature without reservation as to ratification, or its deposit of an instrument of ratification or accession".

The Convention of which the Director-General is the depositary was adopted by the International Conference on the Conservation of Wetlands and Waterfowl which was convened by the Imperial Government of Iran and which met in Ramsar from 30 January to 3 February 1971.

(ii) On 17 September 1975, the instrument of ratification by Switzerland of the Convention concerning the Protection of the World Cultural and Natural Heritage,<sup>131</sup> adopted at Paris on 16 November 1972 by the General Conference at its seventeenth session, was deposited with the Director-General.

Switzerland was the twentieth State to deposit an instrument of ratification, acceptance or accession, in respect of this Convention.

Article 33 of the Convention provides that this "Convention shall enter into force three months after the date of the deposit of the twentieth instrument of ratification, acceptance or accession but only with respect to those States which have deposited their respective instruments of ratification, acceptance or accession on or before that date" and that it "shall enter into force with respect to any other State three months after the deposit of its instrument of ratification, acceptance or accession".

(iii) An instrument of ratification by Mexico of the Regional Convention on the Recognition of Studies, Diplomas and Degrees in Higher Education in Latin America and the Caribbean, done on 19 July 1974 at Mexico City, Mexico, was deposited with the Director-General on 14 May 1975. This was the second instrument of ratification by States deposited in respect of this Convention.

The Convention provides under its Article 17 that it "shall enter into force between the States that have ratified it, one month after the deposit of the second instrument of ratification" and that subsequently, it "shall enter into force in respect of each State one month after that State has deposited its instrument of ratification or accession".

The Convention of which the Director-General is the depositary was adopted by an International Conference of States which was convened by UNESCO and which met at Mexico City from 15 to 19 July 1974.

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<sup>131</sup> Reproduced in the *Juridical Yearbook*, 1972, p. 89.

**(c) *Modification of an existing instrument***

On 18 June 1971 was signed in Paris, at UNESCO Headquarters, an Agreement concerning the Latin American Faculty of Social Sciences (FLACSO).

In conformity with the terms of its Article XIV(3), this Agreement entered into force on 19 June 1972.

Article XIII of this Agreement provides that it can be modified by the General Assembly of FLACSO by a decision taken by a two-thirds majority of the Member States.

In accordance with this provision, the Agreement was modified by the General Assembly meeting in an extraordinary session held at Quito on 28 to 30 April 1975.

In conformity with the transitory provision of the Agreement as modified, the modification took effect on 30 April 1975.

**(d) *Preparation of new instruments***

In implementation of decisions<sup>132</sup> taken by the General Conference at its eighteenth session to that effect, and in accordance with Article 10 (1) and (2) 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", the Director-General prepared and transmitted to Member States for their comments and observations preliminary reports on the following:

- development of adult education;<sup>133</sup>
- exchange of original objects and specimens between museums in different countries;<sup>134</sup>
- preservation of historic quarters and historic sites within a modern environment;<sup>135</sup>
- action to ensure that people at large have free, democratic access to culture and participate actively in the cultural life of society;<sup>136</sup>
- extension of the provisions of the 1950 Agreement on the Importation of Educational, Scientific and Cultural Materials;<sup>137</sup>
- international standardization of statistics on radio and television;<sup>138</sup>
- protection of translators.<sup>139</sup>

These reports set forth the position with regard to the problems to be regulated and to the possible scope of the regulating action proposed in each case.

In conformity with certain decisions<sup>140</sup> taken by the General Conference at its eighteenth session and in implementation of relevant work plans<sup>141</sup> noted by the

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<sup>132</sup> See Resolutions 18 C/1.221, 18 C/3.424, 18 C/3.425, 18 C/3.426, 18 C/4.112 and 18 C/6.13.

<sup>133</sup> See document ED/MD/37, English, French, Russian, Spanish.

<sup>134</sup> See document SHC/MD/27, English, French, Russian, Spanish.

<sup>135</sup> See document SHC/MD/26, English, French, Russian, Spanish.

<sup>136</sup> See document SHC/MD/28, English, French, Russian, Spanish.

<sup>137</sup> See document COM/MD/34, English, French, Russian, Spanish.

<sup>138</sup> See document COM/MD/35, English, French, Russian, Spanish.

<sup>139</sup> See document LA/MD/3, English, French, Russian, Spanish.

<sup>140</sup> See Resolutions 18 C/1.322, 18 C/4.111, paragraph *b(ii)* and 18 C/5.11, paragraph *(a)*.

<sup>141</sup> See document 18 C/5, approved, paragraphs 1443, 4010 and 5007.

General Conference at its same session, preparatory work was done in respect of some other instruments scheduled for adoption in 1976 by the General Conference or by an international conference of States convened by UNESCO. These concerned the following subjects:

- international recognition of studies, diplomas and degrees in higher education in the European States and Arab States bordering on the Mediterranean (draft convention to be adopted by an international conference of States);<sup>142</sup>
- fundamental principles on the role of the mass media in strengthening peace and international understanding and in combating war propaganda, racism and *apartheid* (draft declaration to be adopted by the General Conference);<sup>143</sup>
- race and racial prejudice (Draft declaration to be adopted by the General Conference).

### 3. COPYRIGHT AND NEIGHBOURING RIGHTS

#### (a) *Universal Copyright Convention adopted at Geneva in 1952,*<sup>144</sup> *as revised at Paris on 24 July 1971*

Subsequent to the entry into force of the Universal Copyright Convention as revised at Paris in 1971, the Director-General convened the first ordinary session of the Intergovernmental Copyright Committee established under Article XI of the Convention, at UNESCO Headquarters on 2 and 3 June 1975. At that session, the Committee adopted its rules of procedure, approved the list of intergovernmental and non-governmental organizations to be invited to send observers to sessions of the Committee and decided on the length of the terms of office of States designated as first members of the Committee.<sup>145</sup>

Both the 1971 Committee and the Intergovernmental Copyright Committee of the 1952 Universal Convention met at Geneva from 10 to 16 December 1975. On that occasion, the 1952 Committee took the decision to adjourn its meetings *sine die* and, in the meantime, to transfer its functions to the 1971 Committee.<sup>146</sup> Thus, when the 1971 Committee met, it considered a variety of items of interest to States party to both the 1952 and 1971 texts of the Universal Convention.

#### (b) *International Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organizations*<sup>147</sup>

At its fifth ordinary session held at Geneva on 8 and 12 December 1975, the Intergovernmental Committee, established under Article 32 of this Convention, took note of the steps taken since its last ordinary session toward promoting the Convention, in particular the Latin American Seminar on the Rights of Performers, Producers of Phonograms and Broadcasting Organizations that was convened in Mexico from 27 to 31 October 1975.<sup>148</sup>

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<sup>142</sup> See document ED-75/WS/37, English, French.

<sup>143</sup> See documents COM-75/CONF.201/3, English, French, Russian, Spanish, and COM-75/CONF.201/4, English, French, Russian, Spanish.

<sup>144</sup> United Nations, *Treaty Series*, vol. 216, p. 132.

<sup>145</sup> Report of first session of Intergovernmental Committee, IGC ((1971)/5).

<sup>146</sup> Report of thirteenth ordinary session of the Committee of the 1952 Convention, IGC/XIII(1952)/2.

<sup>147</sup> United Nations, *Treaty Series*, vol. 496, p. 43.

<sup>148</sup> Report of fifth ordinary session, ILO/UNESCO/WIPO/ICR.5/8.

(c) *Recommendation to Member States on the Protection of Translators*

Pursuant to resolution 6.13 adopted by the General Conference at its eighteenth session, the Director-General submitted to Member States for their comments and observations a preliminary report setting forth the position with regard to the problem to be regulated and to the possible scope of the regulating action proposed, together with the first draft of a recommendation on the protection of translators.<sup>149</sup>

On the basis of the comments and observations received, the Director-General has prepared a final report containing a draft text of a recommendation that will be examined by a special committee of governmental experts which is scheduled to meet at UNESCO Headquarters from 28 June to 7 July 1976. This special committee will submit a draft which has its approval to Member States, with a view to its discussion by the General Conference at its nineteenth session (1976).

(d) *Desirability of adopting an international instrument on the reprographic reproduction of works protected by copyright*

Sub-Committees of the Intergovernmental Copyright Committee and the Executive Committee of the Berne Union on the reprographic reproduction of works protected by copyright met at Washington, D.C., from 16 to 21 June 1975. After a thorough examination of various aspects of this subject, the Sub-Committees adopted similar resolutions in which they noted that reprographic reproduction of works protected by copyright is covered by those provisions of the Universal Convention and the Berne Convention<sup>150</sup> that concern the right of reproduction as well as the exceptions to that right, and recommended that States parties to one or the other of the said Conventions, with a view to reconciling where necessary, the needs of the users of reprographic reproduction with the rights and interests of the authors, seek a solution based on certain stated principles.<sup>151</sup>

(e) *International Copyright Information Centre—Double taxation of copyright royalties*

A Committee of Governmental Experts was convened by the Director-General from 3 to 10 November 1975 to prepare a draft international agreement to avoid the double taxation of copyright royalties remitted from one country to another. The Committee's consideration of this matter was centered mainly on three points: the advisability of preparing an international agreement for the purpose of avoiding the double taxation of copyright royalties; the scope of the proposed agreement; and the criterion for determining the country of taxation.<sup>152</sup> After a fruitful exchange of views on this subject, the Committee recommended, *inter alia*, that the Secretariat of UNESCO prepare a preliminary draft for a multilateral convention, accompanied by explanatory comments, and that another committee of governmental experts be convened in 1976 in order to examine these texts.

#### 4. HUMAN RIGHTS

At its 98th session, the Executive Board continued discussion of items 9.4,<sup>153</sup>

<sup>149</sup> International Instrument for the Protection of Translators, LA/MD/3.

<sup>150</sup> United Nations, *Treaty Series*, vol. 331, p. 2.7.

<sup>151</sup> For text of resolutions, see Report of Sub-Committees on Reprographic Reproduction, IGC/SC.2/8-B/EC/SC/I/8, Annex.

<sup>152</sup> Report of Committee of Governmental Experts, LA/ICIC/DT/I/6.

<sup>153</sup> See documents 97 EX/33, Arabic, English, French, Russian, Spanish; 97 EX/33 Add., Arabic, English, French, Russian, Spanish; 98 EX/38, Arabic, English, French, Rus-

9.5<sup>154</sup> and 9.6<sup>155</sup> of its agenda, items whose discussion at the Board's 97th session had been deferred until its 98th session.

At this 98th session, the Board adopted decisions 98 EX/9.4, 9.5, 9.6 by which it, *inter alia*, confirmed, as stated in paragraph 4 of decision 77 EX/8.3, that UNESCO is not authorized under its Constitution to take any measures in connexion with complaints regarding human rights, which can be entertained only in accordance with the covenants and protocols subscribed to by Member States, and decided that its Committee on Conventions and Recommendations in Education shall have terms of reference including the examination of communications addressed to UNESCO in connexion with specific cases alleging a violation of human rights in education, science and culture. The Board reaffirmed that the Committee's procedure shall continue to be that laid down in decision 77 EX/8.3, which was based on the procedure defined in resolution 728 (XXVIII) of the Economic and Social Council.

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#### 4. INTERNATIONAL CIVIL AVIATION ORGANIZATION

##### 1. REVISION OF THE WARSAW CONVENTION (1929) AS AMENDED BY THE HAGUE PROTOCOL (1955) IN RESPECT OF AIR MAIL AND CARGO IN INTERNATIONAL CARRIAGE BY AIR

The International Conference on Air Law met at Montreal from 3 to 25 September. The purpose of the Conference was to consider, with a view to adoption, the draft articles prepared by the twenty-first session of the Legal Committee for the amendment—in respect of air mail and cargo in international carriage by air—of the Warsaw Convention of 1929 as amended by the Hague Protocol in 1955. As a result of its deliberations, the Conference adopted and opened for signature the texts of the following Protocols:

- (1) Additional Protocol No. 1 to Amend the Convention for the Unification of Certain Rules Relating to International Carriage by Air Signed at Warsaw on 12 October 1929;
- (2) Additional Protocol No. 2 to Amend the Convention for the Unification of Certain Rules Relating to International Carriage by Air Signed at Warsaw on 12 October 1929 as Amended by the Protocol Done at The Hague on 28 September 1955;
- (3) Additional Protocol No. 3 to Amend the Convention for the Unification of Certain Rules Relating to International Carriage by Air Signed at Warsaw on 12 October 1929 as Amended by the Protocols done at The Hague on 28 September 1955 and at Guatemala City on 8 March 1971; and
- (4) Montreal Protocol No. 4 to Amend the Convention for the Unification of Certain Rules Relating to International Carriage by Air Signed at Warsaw on 28 October 1929 as Amended by the Protocol done at The Hague on 28 September 1955.

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sian, Spanish; 98 EX/39, Arabic, English, French, Russian, Spanish; 98 EX/39 Add., Arabic, English, French, Russian, Spanish; and 98 EX/INF.4, Arabic, English, French, Russian, Spanish.

<sup>154</sup> See document 97 EX/34, Arabic, English, French, Russian, Spanish.

<sup>155</sup> See document 97 EX/36, Arabic, English, French, Russian, Spanish.

The Conference furthermore adopted in its Final Act a resolution calling for study of a consolidation of the instruments of the "Warsaw System" into a single Convention in accordance with the established procedure as soon as possible. The Council of ICAO considered this resolution during its 86th session in November 1975 and decided to convene the meeting of the Subcommittee of the Legal Committee from 17 May till 1 June 1976 for study of a consolidation of the instruments of the "Warsaw System" into a single Convention. At the same time the Council of ICAO convened the twenty-second session of the Legal Committee to study this subject from 19 October to 12 November 1976.<sup>156</sup>

## 2. STUDY OF THE ROME CONVENTION OF 1952,<sup>157</sup> NOISE AND SONIC BOOM

The Subcommittee of the Legal Committee met at Montreal from 8 to 22 April to study the revision of the Rome Convention on Damage Caused by Foreign Aircraft to Third Parties on the Surface and to study the preparation of a new instrument on liability for damage caused by noise and sonic boom. The Subcommittee reached a certain degree of consensus on the revision of Chapters I, III, IV and V of the Rome Convention and drafted some solutions which are not seriously divergent; the problem of limits of liability remained unsolved. The Subcommittee considered that it can do no further useful work on the revision of the Rome Convention and that the matter should be considered by the Legal Committee. On the question of liability for damage caused by noise and sonic boom the opinions were widely divergent and it was considered that without further information and data of legal, economic and technical nature, the situation was not ripe for the drafting of a new instrument; the Subcommittee recommended that the problem be referred to the Legal Committee. The Council noted the report of the Subcommittee during its 85th session in June 1975 and States and international organizations were requested to send comments on the questions raised in the report. The twenty-second session of the Legal Committee which will be held in Montreal from 19 October to 12 November 1976 will consider this problem on the basis of the comments received.<sup>158</sup>

## 3. UNLAWFUL INTERFERENCE WITH INTERNATIONAL CIVIL AVIATION AND ITS FACILITIES

The Committee on Unlawful Interference with International Civil Aviation and its Facilities held 7 meetings during the year. It recommended for consideration by the Council the reclassification of certain Recommended Practices in Annex 17 (Security) to Standards, and the addition of a Recommended Practice in Chapter 9 of Annex 9 (Facilitation) and of a Standard in Chapter 5 of Annex 13 (Aircraft Accident Investigation). On 19 December, the Council adopted an amendment in Chapter 5 of Annex 13 as recommended by the Committee.<sup>159</sup>

## 4. AUTHENTIC RUSSIAN TEXT OF THE CONVENTION ON INTERNATIONAL CIVIL AVIATION

To implement Assembly Resolution A21-13 the Council decided on 6 June 1975 to establish a Council Working Group on the authentic Russian text of the Chicago Convention. The Working Group held two sessions in 1975. On the basis of the recommendation of the Working Group, the Council decided on 28 November 1975 to convene a diplomatic conference in 1977 in conjunction with the ordinary session of the Assembly. The Council also considered the text of a proposed amendment to the last paragraph of the Convention as well as a draft Russian text of the Convention

<sup>156</sup> See Annual Report of the Council to the Assembly for 1975, Chapter VI, Section 6.

<sup>157</sup> United Nations, *Treaty Series*, vol. 310, p. 181.

<sup>158</sup> See Annual Report of the Council to the Assembly for 1975, Chapter VI, Section 6.

<sup>159</sup> *Ibid.*, Section 7.

and of the amendments thereto. The draft texts have been sent to States for comments and the Council and its Working Group will consider the matter further during 1976 in the light of comments of States.<sup>160</sup>

5. ANNEXES TO THE CONVENTION ON INTERNATIONAL CIVIL AVIATION, PROCEDURES FOR AIR NAVIGATION SERVICES (PANS) REGIONAL SUPPLEMENTARY PROCEDURES (SUPPS)

See "ICAO Technical Publications, Current Edition" which is published in the *ICAO Bulletin*.

6. DIGEST OF JUDICIAL DECISIONS

During its 84th and 86th sessions, the Council considered a proposal for the implementation of Assembly Resolution A21-14 in which the Council was requested to prepare a feasibility study relating to the preparation of a digest of judicial decisions relating to multilateral international air law conventions. The Council studied the comments received from States and decided to postpone its decision as to what to recommend to the Assembly until additional comments will be received from States and the Secretary-General prepares a draft Assembly working paper showing in some detail the form which the digest would take.<sup>161</sup>

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5. WORLD HEALTH ORGANIZATION

I. CONSTITUTIONAL AND LEGAL MATTERS

1. On 26 February and 9 December 1975 respectively the Republic of Botswana and the Comoros, already members of the United Nations, became Members of the World Health Organization by depositing formal instruments of acceptance of the WHO Constitution<sup>162</sup> with the Secretary-General of the United Nations. The Kingdom of Tonga, the People's Republic of Mozambique<sup>163</sup> and the Democratic Republic of Viet-Nam were admitted as Members of WHO by the Twenty-eighth World Health Assembly on 14 May 1975 and deposited instruments of acceptance on 14 August, 11 September and 22 October 1975 respectively, dates on which their membership became effective. At the end of 1975 WHO had 146 Members and two Associate Members.<sup>164</sup>

2. During 1975 Bahrain and Cuba deposited instruments of acceptance of the amendment to Article 7 of the Constitution, adopted by the Eighteenth World Health Assembly in 1965 (WHA 18.48), relating to the possible suspension or exclusion of a Member ignoring the humanitarian principles and the objectives laid down in the Constitution; this brings the total number of acceptances to 52.

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<sup>160</sup> *Ibid.*, Section 3.

<sup>161</sup> *Ibid.*, Section 9.

<sup>162</sup> United Nations, *Treaty Series*, vol. 14, p. 185 and vol. 377, p. 380.

<sup>163</sup> With regard to Mozambique, the World Health Assembly specified in resolution WHA 28.3 of 14 May 1975 that the admission was to have effect from the date of attainment of independence by Mozambique to take place on 25 June 1975. In reply to questions regarding the legal possibility of such admission in advance, the Director-General had referred to decisions previously taken by other organizations of the United Nations system in similar cases; see *Official Records of the World Health Organization*, No. 227, p. 49, 65, and 321.

<sup>164</sup> The associate membership of one of these, Southern Rhodesia, is regarded as being in suspense. Papua New Guinea, a former Associate Member, attained independence on 16 September 1975 but continues, in accordance with resolution WHA 14.45, to enjoy the rights and privileges of associate membership during the transitional period which must necessarily elapse before the country can become a full Member.

3. The amendments to Articles 24 and 25 of the Constitution adopted in 1967 by the Twentieth World Health Assembly (resolution WHA 20.36), increasing the membership of the Executive Board from 24 to 30, entered into force on 21 May 1975 after instruments of acceptance had been deposited by 12 further Members since the beginning of the year, bringing the total number of acceptances to 95 and thus meeting the requirement of acceptance by two-thirds of Members in accordance with Article 73 of the Constitution. Noting the entry into force of this amendment, the Twenty-eighth World Health Assembly, in its resolution WHA 28.22, requested the Director-General to propose for the consideration of the Twenty-ninth World Health Assembly draft amendments to the Constitution to permit a further marginal increase in the membership of the Executive Board. In compliance with this mandate the Director-General, in June 1975, transmitted to all Members of the Organization a number of alternative drafts for a constitutional amendment which would further enlarge the Executive Board by one, two or three members.

4. The amendments to Articles 34 and 55 of the Constitution, which were adopted by the Twenty-sixth World Health Assembly in 1973 (resolution WHA 26.37)<sup>165</sup> and which would permit a transition to full biennial programme-budgeting, were accepted in the course of 1975 by 42 further Members (Afghanistan, Australia, Bahrain, Benin, Bolivia, Burma, Cyprus, Dominican Republic, Ecuador, El Salvador, France, Federal Republic of Germany, Greece, Guinea, Guinea-Bissau, Iceland, Ireland, Kuwait, Malaysia, Maldives, Mali, Mexico, Monaco, Morocco, Netherlands, Nigeria, Norway, Panama, Portugal, Qatar, Singapore, Somalia, Spain, Swaziland, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Uganda, United States of America, Venezuela and Yugoslavia). By the end of the year a total of 62 instruments of acceptance had thus been deposited; at least 36 further instruments will be necessary in order to meet the requirements for entry into force of the amendments in accordance with Article 73 of the Constitution. The Twenty-eighth World Health Assembly, in its resolution WHA 28.74, urged Members that have not yet notified their acceptance to the Secretary-General of the United Nations to do so within the shortest possible time.

## II. HEALTH LEGISLATION

5. The twenty-sixth volume of the *International Digest of Health Legislation* was published in 1975 together with an index covering the five years 1970-74. This quarterly publication continues to constitute the main vehicle for informing health ministries and public health workers of changes and developments in health legislation throughout the world.

6. A survey of recent legislation on venereal disease control,<sup>166</sup> also published in 1975, was included in the background material for the technical discussions at the Twenty-eighth World Health Assembly. Work was started on the preparation of an international review of mental health legislation.

7. A comparative study of legislative measures to combat smoking—an updated version of a document<sup>167</sup> considered by the WHO Expert Committee on Smoking and its Effects on Health at its meeting in December 1974—was presented by WHO at the Third World Conference on Smoking and Health, held in New York in June 1975.

8. In connexion with a large-scale project for protection of the Mediterranean against pollution, WHO prepared an analysis of pertinent national legislation on water-

<sup>165</sup> Reproduced in the *Juridical Yearbook*, 1973, p. 79.

<sup>166</sup> World Health Organization. *Venereal disease control: a survey of recent legislation*, Geneva, 1975.

<sup>167</sup> WHO Technical Report Series, No. 568, 1975, Annex 3.

pollution control in the Mediterranean States, a document on relevant international conventions, and guidelines and associated technical annexes for a draft protocol for the protection of the Mediterranean against pollution from land-based sources. This was undertaken at the request of UNEP in preparation for an impending intergovernmental meeting and involved close collaboration with a number of other international bodies.

9. There is increasing reference to the Organization on matters of bioethics. In this connexion, the redrafting of the Declaration of Helsinki was extensively discussed with the World Medical Association and the Council for International Organizations of Medical Sciences. A revised version of the Declaration of Helsinki was adopted by the Twenty-ninth World Medical Assembly in Tokyo in October. A study<sup>168</sup> on the health aspects of human rights in the light of scientific and technological developments, prepared in response to a request of the Twenty-third World Health Assembly, was considered by the Executive Board at its fifty-fifth session. It summarizes briefly the main situations in which interventions, compulsions or restraints performed or imposed on human beings for preventive or curative therapeutic purposes, or with a view to advancing knowledge of health and disease, have implications for the rights of the individual. The study was submitted to the thirty-first session of the United Nations Commission on Human Rights, held in Geneva in February-March 1975.

10. Assistance was given to Algeria in reviewing proposed legislation relating to water supply organization, including a draft water code, in the context of a general survey of the water supply and sewerage sector. Malaysia received assistance in reviewing and updating its food and drug legislation.

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## 6. WORLD BANK

### INTERNATIONAL CENTRE FOR SETTLEMENT OF INVESTMENT DISPUTES (ICSID)

#### *Signatures and ratifications of the Convention on the Settlement of Investment Disputes between States and Nationals of Other States*

During 1975 and 1976, the Convention on the Settlement of Investment Disputes between States and Nationals of Other States<sup>169</sup> (hereinafter referred to as the Convention) was signed by Australia and Mali, and ratified by Gambia and Romania. As of August 15, 1976, 72 States had signed the Convention and 67 States had deposited their instruments of ratification.<sup>170</sup>

#### *Advance acceptance of the jurisdiction of the Centre*

For relevant information see *Juridical Yearbook*, 1974, p. 76.

#### *Submission of disputes to the Centre*

For relevant information see *Juridical Yearbook*, 1974, p. 77.

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<sup>168</sup> World Health Organization. *Health aspects of human rights with special reference to developments in biology and medicine*, Geneva, 1975, distributed by the United Nations as document E/CN.4/1173.

<sup>169</sup> Reproduced in the *Juridical Yearbook*, 1966, p. 196.

<sup>170</sup> The list of Contracting States and Other Signatories of the Convention is reproduced in Document ICSID/3.

### *Investment laws of the world*

As indicated in the *Juridical Yearbook*, 1974, p. 77, the Centre's investment legislation project is presented in the form of a loose-leaf service. The number of developing nations parties to the Convention which are covered by the publication now stands at 53. Eight volumes are projected of which the first six are already available.

#### *Action by Contracting States pursuant to the Convention*

Pursuant to Article 13 of the Convention, each Contracting State may designate up to four persons to serve on each of the two Panels maintained by the Centre, and the Chairman of the Administrative Council may designate up to ten persons to each Panel. States, as well as the Chairman, have made designations and the names of 142 persons now appear on the Panel of Conciliators and 144 on the Panel of Arbitrators.<sup>171</sup>

Three countries have notified the Centre, pursuant to Article 25(4) of the Convention, of the classes of disputes they would or would not consider submitting to the jurisdiction of the Centre.<sup>172</sup>

There have also been further designations under Article 54(2) of the Convention (competent court or other authority to which requests for the recognition or enforcement of arbitral awards rendered pursuant to the Convention are to be furnished). 47 States have so far notified the Centre of such designations.

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## 7. INTERNATIONAL MONETARY FUND

The Legal Department of the International Monetary Fund participates in all activities of the Fund that have legal implications. This participation includes legal research, participation in negotiations and drafting. The Department participates in the work of the organs and committees of the Fund (the Executive Directors, the Board of Governors, and its Interim and other Committees), as well as in meetings with members and with various other international organizations.

The main activities of the Fund in 1975 with legal implications are described below.

#### *Reform of the international monetary system*

In 1975, the Fund continued to negotiate and implement the immediate steps of monetary reform that had been recommended in Part II of the *Outline of Reform*, published on June 14, 1974, by the *Ad Hoc* Committee of the Board of Governors on Reform of the International Monetary System and Related Issues (the "Committee of Twenty"). Lengthy negotiations have been completed to incorporate many of these recommendations in an amendment of the Fund's Articles of Agreement and in decisions to give effect to other recommendations. Following the issuance of the *Outline of Reform*, the Committee of Twenty was succeeded by the Interim Committee of the Board of Governors on the International Monetary System. The mandate of the Interim Committee is broader than that of its predecessor, as it includes supervising the management and adaptation of the international monetary system and dealing

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<sup>171</sup> A list of the members of both Panels is set forth in Document ICSID/10.

<sup>172</sup> The text of the notifications can be found in Document ICSID/10 which lists the Contracting States and the actions taken by them pursuant to the Convention.

with sudden disturbances that might threaten the system, as well as considering proposals of the Executive Directors to amend the Articles of Agreement.<sup>173</sup> The formula for composition of the two committees is the same: a Minister, Governor of the Fund, or person of similar rank appointed by each constituency of members that appoints or elects an executive director. The committees consist, therefore, of 20 members.

#### *Amendment of the Articles of Agreement*

The Interim Committee, in its meetings in January, June and August, 1975, gave guidance to the Executive Directors on a number of difficult issues arising on the draft amendments the Executive Directors had prepared before each meeting of the Interim Committee.<sup>174</sup>

The substantive changes included in the proposed amendment range throughout the Articles, but can be described as involving six main themes:

- (a) Exchange arrangements of each member's choice; the possible adoption of particular general arrangements; and the possible adoption of a system of par values in which members will have an option to participate; subject at all times to general obligations and firm surveillance by the Fund.
- (b) A reduction in the role of gold, including the disposition of the Fund's own holdings of gold.
- (c) Changes in the characteristics and expansion of the possible uses of the special drawing right so as to assist it to become the principal reserve asset of the international monetary system.
- (d) Simplification and expansion of the types of the Fund's financial operations and transactions, particularly those conducted through the General Department.
- (e) The possible establishment of the Council as a new organ of the Fund.
- (f) Certain improvements in organizational aspects of the Fund.

The Legal Department also prepared the draft of a commentary by the Executive Directors on the extensive changes in the Articles of Agreement to be made by the amendment. The commentary is included in the Report of the Executive Directors to the Board of Governors on the Proposed Second Amendment to the Articles of Agreement of the International Monetary Fund.

#### *Trust Fund and gold sales*

The Interim Committee recommended on August 31, 1975 that the Fund should begin to sell 50 million ounces of its gold under the powers in the present Articles and complete this program under the amended Articles. Of that amount, 25 million ounces were to be sold directly to members in exchange for their own currencies at the present official price equivalent to SDR 35 per ounce. The other 25 million ounces were to be sold, and the profits used for the benefit of developing members. A portion of the profits equivalent to the ratio of a member's quota to all quotas was to be

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<sup>173</sup> United Nations, *Treaty Series*, vol. 2, p. 39.

<sup>174</sup> Following the January 1976 meeting of the Interim Committee, at which all remaining basic issues on amendment were agreed, the Executive Directors agreed on the text of a proposed amendment in March 1976, and the Board of Governors approved it in April 1976. The proposed amendment was then submitted to the Fund's 128 members for acceptance in accordance with their respective legal systems. The amendment will enter into force for all members when three-fifths of the members with four-fifths of the total voting power accept it.

distributed directly to each developing member, and the remainder was to be used for loans on concessional terms to developing members with a balance of payments need. The loans would be made through a Trust Fund to be administered by the Fund as Trustee. The Fund also established the Interest Subsidy Account in July 1975 to assist the members most seriously affected by the energy crisis to meet the costs of charges payable to the Fund in connection with transactions under the Oil Facility.

#### *Quota increases*

During 1975 the Executive Directors and the Interim Committee conducted negotiations on a general increase in the quotas of members in the Fund, and agreed on a total increase from the equivalent of SDR 29.2 billion to SDR 39 billion. The increases cannot become effective until after the amendment of the Articles takes effect.<sup>175</sup> One of the issues involved the means of payment of the subscriptions equivalent to the quota increases. Unlike previous additional subscriptions, which were paid in gold (one-fourth) and the members' own currencies (three-fourths), under the amendment the former "gold" portion of a subscription on this occasion will be payable, at a member's option, in its own currency or in special drawing rights and the currencies of other members specified with their concurrence by the Fund.

#### *The General Account*

With the equivalent of SDR 4,315 million in purchases and SDR 484 million in repurchases, the General Account in 1975 experienced a greater volume of transactions than in any previous year. A substantial portion of the purchases, equivalent to SDR 3,176 million, were made under the Oil Facility established in 1974.<sup>176</sup> The Oil Facility was established to assist members in balance of payments difficulty to meet the initial impact of the increase in cost of importing petroleum and petroleum products. To finance the purchases under the Oil Facility the Fund borrowed a total equivalent to SDR 6,902 million from oil-producing and other members.

The decision on the compensatory financing of export fluctuations was reviewed and revised in December 1975. The revised decision permits substantially larger purchases than under the previous decision.

The General Arrangements to Borrow, a standing line of credit to the Fund, in accordance with agreed terms, of approximately SDR 5.5 billion, were renewed for five years beginning October 24, 1975. The General Arrangements to Borrow were modified at the time of their renewal to provide for repayments of loans in special drawing rights and payment of interest at the same rate as is paid to the Fund for the use of the borrowed currency.

#### *Technical assistance*

Technical assistance continued to be provided to the authorities of many members in the drafting of legislation and regulations relating to central banking, banking, taxation, and associated matters. Members of the Legal Department continued to assist the Working Group on International Negotiable Instruments, especially in its consideration of a draft uniform law on international bills of exchange and promissory notes.

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<sup>175</sup> The Board of Governors adopted a resolution, effective March 22, 1976, under which quotas can be increased as a result of the review. The Report of the Executive Directors to the Board of Governors is reproduced in *IMF Survey*, April 5, 1976.

<sup>176</sup> The Oil Facility expired in accordance with its terms in March 1976.

## 8. WORLD METEOROLOGICAL ORGANIZATION

### 1. MEMBERSHIP OF THE ORGANIZATION

The following countries deposited their instrument of accession to the Convention of the World Meteorological Organization during 1975. The date of deposit and the effective date of membership are indicated in each case, in chronological order:

<i>State</i>	<i>Date of deposit of the instrument of accession</i>	<i>Date of membership</i>
Oman	3 January 1975 (under Article 3(b) of the Convention)	2 February 1975
Qatar	4 April 1975 (under Article 3(b) of the Convention)	4 May 1975
Democratic People's Republic of Korea	27 May 1975 (under Article 3(c) of the Convention)	26 June 1975
Democratic Republic of Viet Nam	8 July 1975 (under Article 3(c) of the Convention)	7 August 1975
Cape Verde	21 October 1975 (under Article 3(b) of the Convention)	20 November 1975
Papua New Guinea	15 December 1975 (under Article 3(b) of the Convention)	15 January 1976

By resolution 38 (Cg-VII), the Seventh World Meteorological Congress (Geneva, 28 April-23 May 1975) considered that the provisions of Article 31 of the Convention of the Organization regarding suspension of membership were applicable to the Government of the Republic of South Africa and accordingly decided to suspend this Member country from exercising its rights and enjoying privileges as a Member of the Organization until it renounced its policy of racial discrimination and abided by the United Nations resolutions concerning Namibia.

### 2. QUESTIONS RELATING TO THE CONVENTION AND THE GENERAL REGULATIONS

#### (1) *Convention*

The Seventh World Meteorological Congress adopted amendments to the WMO Convention to take into account the activities of the Organization in the field of hydrology. The parts of the Convention which were amended are the Preamble and Articles 2, 6, 7, 8, 13, 14, and 18.

The amended texts are contained in Resolution 18 (Cg-VII) adopted by Congress.<sup>177</sup>

#### (2) *General Regulations*

The Seventh World Meteorological Congress adopted some amendments to the General Regulations of the World Meteorological Organization which were consequential to the amendments to the Convention referred to above.

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<sup>177</sup> Publication WMO No. 416. For the complete revised text of the Convention, see the publication entitled "Basic Documents" (WMO-No. 15, 1975 edition).

Other amendments to the General Regulations which appeared necessary in the light of experience were also adopted. Particular mention may be made of the regulation relating to the invitations to non-Member countries to send observers to sessions of constituent bodies and the inclusion of the Chinese language as an official and working language.

The amended texts of the General Regulations are contained in Resolutions 48 (Cg-VII) and 49 (Cg-VII) adopted by Congress.<sup>178</sup>

### 3. AGREEMENTS AND WORKING ARRANGEMENTS

#### (1) *Agreement of Co-operation with the Organization of African Unity (OAU)*

The Seventh World Meteorological Congress (Geneva, 28 April-23 May 1975) approved the text of an Agreement of Co-operation between the World Meteorological Organization and the Organization of African Unity for signature by the Secretaries-General of the two Organizations.

#### (2) *Working Arrangements with the European Centre for Medium Range Weather Forecasts*

Under the authority given by the Executive Committee of the World Meteorological Organization, working relations were established, by an exchange of letters, between the World Meteorological Organization and the European Centre for Medium Range Weather Forecasts and came into force on 4 November 1975.<sup>179</sup>

#### (3) *Agreement for Joint Financing of North Atlantic Ocean Stations*

The Agreement for Joint Financing of North Atlantic Ocean Stations which was concluded in November 1974 and was subsequently open for signature at the Headquarters of the World Meteorological Organization in Geneva until 31 May 1975, was signed by the following Member States without reservation: Denmark, Federal Republic of Germany, Ireland and Tunisia, and by Finland and the United Kingdom subject to ratification. The following Member States which had earlier signed the Agreement subject to ratification, subsequently deposited their respective instruments of ratification: Iceland, Netherlands, Norway and Sweden.

#### (4) *Legal aspects of weather modification*

In response to a recommendation of a meeting convened jointly by the World Meteorological Organization and the United Nations Environment Programme that the Organization should attempt to compile an inventory of national legislation relating to weather modification, Members of the Organization were requested to provide the texts of any laws relevant to, or which could be applied to, weather modification activities.

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## 9. INTERNATIONAL ATOMIC ENERGY AGENCY

### 1. STATUTE AND MEMBERSHIP OF THE AGENCY; ACTIONS TAKEN BY STATES IN CONNECTION WITH THE STATUTE

The Agency's membership at the end of 1975 stood at 106, no further instruments of acceptance having been deposited during 1975.

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<sup>178</sup> Publication WMO-No. 416. For the complete revised text of the General Regulations, see the publication entitled "Basic Documents" (WMO-No. 15, 1975 edition).

<sup>179</sup> The texts of the correspondence will be included in a new edition of the publication entitled "Agreements and Working Arrangements with other international organizations" (WMO-No. 60).

## 2. LEGAL ACTIVITIES

### (a) *Nuclear Explosions for Peaceful Purposes (PNE)*

Further to the authorization given in September 1974 to the Director General to establish a separate unit within the Secretariat to deal with matters concerning peaceful nuclear explosions, and after adoption towards the end of 1974 by the General Assembly of the United Nations of two resolutions containing references to the Agency's activities connected with PNE (resolution 3213 (XXIX), para. 7 and resolution 3261 D(XXIX), para. 2), the Board of Governors of the Agency adopted on 11 June 1975 a resolution providing for the establishment of an *Ad Hoc* Advisory Group on Nuclear Explosions for Peaceful Purposes. Under its terms of reference as laid down in this resolutions, the Group is *inter alia*:

“To examine the aspects of nuclear explosions for peaceful purposes (PNE) coming within the Agency's sphere of competence, with particular reference to:

“(i) ...

“(ii) Legal aspects and treaty obligations;

“...”

After establishment of the unit in January 1975, the Board of Governors considered the use of PNE in February and June when it established an *Ad Hoc* Advisory Group on Nuclear Explosions for Peaceful Purposes. This group is under the aegis of the Board, but is open to participation by all interested States as well as all Members of the Agency. It deals with all aspects of PNE within the Agency's competence, including legal aspects and treaty obligations, and advises the Board, *inter alia*, on the structure and contents of the agreements that will be necessary under Article V of the Treaty on the Non-Proliferation of Nuclear Weapons.<sup>180</sup> The legal questions associated with PNE will be considered in 1976 in accordance with a decision taken at the Group's initial meeting in September/October 1975. The Secretariat of the Agency was instructed to prepare a draft study on the legal aspects of the use of PNE and the scope of the study was defined to include three main aspects, viz. examination of existing international treaties and agreements which have to be taken into account, examination of relevant treaties and agreements under consideration or negotiation and identification of legal instruments to be developed for provision of PNE—related services and formulation of an outline of the structure and contents of agreement(s) required.

### (b) *Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons (Geneva, 5-30 May 1975)*

The Agency was represented at the Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons to which it submitted reports on its safeguards work, on its work in connection with PNE and, in relation to Article IV of the Treaty, on the provision of technical assistance and related activities. The Conference also stated that it considered the Agency to be the appropriate international body referred to in Article V of the Treaty through which potential benefits from peaceful applications of nuclear explosion could be made available to any non-nuclear-weapon State, and urged that common export requirements relating to safeguards be strengthened, in particular by extending the application of safeguards to all peaceful nuclear activities in importing States not Party to the Treaty.<sup>181</sup>

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<sup>180</sup> Reproduced in the *Juridical Yearbook*, 1968, p. 156.

<sup>181</sup> For the proceedings of the Conference, see documents NPT/CONF/35/I, NPT/CONF/35/II and NPT/CONF/35/III.

(c) *Safeguards Agreements outside the framework of the Non-Proliferation Treaty*

Steps have been taken to clarify the scope and duration of safeguards agreements concluded outside the framework of the Non-Proliferation Treaty. These clarifications are being reflected in new agreements. Consideration is also being given to the elaboration of standard agreements for States that are not party to the Treaty but wish to arrange for the application of safeguards to all nuclear imports or to certain categories of such imports.

(d) *Regional Nuclear Fuel Cycle Centers—Study Project*

Following a report by the Director General at the eighteenth regular session of the General Conference in 1975 that the Agency's Market Survey for Nuclear Power in Developing Countries showed that nuclear power is now attractive on economic grounds to about 40 developing countries and should account for more than half of the capacity additions in these countries during the next decade, a paper on such a study project was elaborated by the Agency and a Consultants' meeting on legal and institutional aspects scheduled for 1976.

(e) *Training courses and advisory services on regulatory matters*

In response to the urgent needs for qualified personnel in many developing countries about to undertake their first nuclear power programmes, the Agency organized an Interregional Training Course on Nuclear Power Project Planning and Implementation at the Nuclear Research Centre, Karlsruhe, from September to December 1975. The course which was held in co-operation with the Government of the Federal Republic of Germany and with the financial support of the United Nations Development Programme, was attended by 36 participants from 20 countries. The syllabus of this training programme focuses on the management, administrative, technical and economic aspects of preconstruction planning and post-planning implementation stages, including the legislative framework and regulatory requirements for the introduction of nuclear power. This was the first in a series of training courses scheduled by the Agency for the period 1975-1977. Reference is made to such training courses in resolution 3386 (XXX), adopted by the General Assembly on 12 November 1975 in relation to the report of the IAEA and in which the General Assembly "notes with appreciation the increased and continuing emphasis which the IAEA places in its technical assistance programme on the introduction of nuclear power and its technology in developing countries for the peaceful needs of these countries, in particular the series of training courses on nuclear power project planning and implementation".

In conjunction with the implementation of the first nuclear power projects in Mexico and Yugoslavia, the Agency provided advisory services on legal and regulatory matters to the national authorities concerned in the course of 1975. It also assisted the Government of Malaysia in the framing of legislation for the control of the production, application and use of atomic energy.