Extract from:

UNITED NATIONS JURIDICAL YEARBOOK

1994

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

Chapter III

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

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

1. DISARMAMENT AND RELATED MATTERS

(*a*) Non-proliferation issues

The question of non-proliferation was one of the most prominent disarmament issues discussed at all levels in 1994. While there was general support for the non-proliferation of nuclear weapons, differences persisted with regard to the manner of the extension of the non-proliferation Treaty.[1] By its resolution 49/75 F of 15 December 1994,[2] the General Assembly invited States parties to provide their legal interpretations of article X, paragraph 2, of the Treaty, which provides for the holding of a conference twenty-five years after the entry into force of the Treaty to decide whether the Treaty shall continue in force indefinitely or shall be extended for an additional fixed period or periods and their views on the different options and actions available, for compilation by the Secretary-General as a background document of the 1995 Review and Extension Conference of States Parties to the Treaty on the Non-proliferation of Nuclear Weapons. Moreover, by its resolution 49/73, of the same date,[3] the General Assembly noted with satisfaction that in the Conference on Disarmament there was no objection, in principle, to the idea of an international convention to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons, and appealed to all States, especially the nuclear-weapon States, to work actively towards an early agreement on a common approach and, in particular, on a common formula that could be included in an international instrument of a legally binding character.

Further progress was made regarding the non-proliferation of other weapons of mass destruction. By the end of the year, the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction[4] had been signed by the overwhelming majority of States; however, the requisite number of ratifications for entry into force was not achieved by December. Furthermore, the parties to the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction[5] agreed, at a Special Conference, to establish an ad hoc group to consider appropriate measures, including possible verification measures, tostengthen the Convention.

(*b*) Comprehensive test-ban treaty

The General Assembly, by its resolution 49-70 of 15 December 1994[6], reaffirming that a comprehensive nuclear-test ban was one of the highest priority objectives of the international community in the field of disarmament and non-prolifera-

tion and reaffirming the conviction that the exercise of utmost restraint in respect of nuclear testing would be consistent with the negotiation of a comprehensive test-ban treaty — urged all States participating in the Conference on Disarmament, in particular the nuclear-weapon States, to continue to negotiate intensively, as a high priority task, and to conclude a comprehensive test-ban treaty. Moreover, the General Assembly, by its resolution 49/69 of the same day,[7] noted the intention of the President of the Conference on Disarmament to convene another special meeting of the States parties to the Treaty Banning Nuclear Weapon Tests in the Atmosphere, in Outer Space and under Water,[8] as envisaged by the General Assembly in its resolution 48/69, to review developments and assess the situation regarding a comprehensive test ban and to examine the feasibility of resuming the work of the Amendment Conference.

(*c*) Nuclear arms limitation, disarmament and related matters

In 1994, the most important in the area of nuclear disarmament was the entry into force of START I,[9] as a result of Ukraine's accession to the Non-Proliferation Treaty. In addition to the traditional resolutions on bilateral nuclear-arms negotiations, by which the General Assembly encouraged the two major nuclear-weapon States to continue their efforts to reduce their nuclear arms, the Assembly adopted two new resolutions, both calling for the elimination of nuclear weapons, with one reflecting the views of those who considered that an agenda for nuclear disarmament should be set within a given time-frame, while the other was of a more general nature.

Another significant development was the agreement reached in the Conference on Disarmament that that body would be the most appropriate international forum in which to negotiate an international agreement banning the production of fissile material for nuclear weapons or other explosive devices.

In addition to its traditional resolutions with regard to a convention banning the use of nuclear weapons and to a prohibition of the dumping of radioactive wastes, the General Assembly adopted resolution 49/75 of 15 December 1984,[10] by which it requested an opinion of the International Court of Justice on the legality of the threat or use of nuclear weapons, which proved to be the most controversial of all the resolutions adopted on disarmament in 1994.

Several positive developments took place in 1994 concerning existing or future nuclear-weapon-free zones. By its resolution 49/138 of 19 December 1994,[11] the General Assembly requested the Secretary-General to take the appropriate action in order that the drafting of a treaty on a nuclear-weapon-free zone in Africa could be finalized and submitted to the Assembly at its fiftieth session.

The Assembly by its resolution 49/83 of 15 December 1994,[12] welcomed the concrete steps taken by several countries of the region during the past year for the consolidation of the regime of military denuclearization established by the Treaty for the Prohibition of Nuclear Weapons in Latin America and the Caribbean (Treaty of Tlatelolco),[13] and noted with satisfaction the full adherence of Argentina, Belize, Brazil and Chile to the Treaty of Tlatelolco. Furthermore, by its resolution 49/84 also of 15 December,[14] the Assembly welcomed the commitment made by the States of the Zone of Peace and Cooperation of the South Atlantic to prevent the proliferation of nuclear weapons, in accordance with internationally recognized legal instruments. There were no major advances with respect to the long-standing proposals for the establishment of

nuclear-weapon-free zones in the Middle East and South Asia, nor with respect to implementation of the Declaration of the Indian Ocean as a Zone of Peace.

(*d*) Special Conference of the States parties to the biological weapons Convention

At the forty-ninth session of the General Assembly, in parallel with concerns expressed with regard to the danger of the proliferation of biological weapons (see (a) above), delegations voiced general satisfaction with the outcome of the Special Conference and viewed the adoption of the Final Declaration[15] by consensus as a significant step in the direction of the full implementation of the Convention. By its resolution 49/86 of 15 December 1994,[16] the General Assembly welcomed the final report of the Special Conference, adopted by consensus on 30 September 1994, in which the States parties agreed to establish an ad hoc group, open to all States parties, whose objective would be to consider appropriate measures, including possible verification measures, and draft proposals to strengthen the Convention, to be included in a legally binding instrument for the consideration of the States parties. By the same resolution, the Assembly further welcomed the information and data provided to date and reiterated its call upon all States parties to the Convention to participate in the exchange of information and data agreed to in the Final Declaration of the Third Review Conference of the Parties to the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction.

(*e*) Outer space missions

The Conference on Disarmament continued to discuss the issue of preventing an arms race in outer space, but was not able to overcome the long-standing fundamental differences with regard to questions whether an arms race in outer space existed; whether measures further to those already in existence on the subject was necessary; and whether it would be desirable to begin negotiating confidence-building measures in outer space as a means of making progress towards preventing an arms race in that environment.

By its resolution 49/74 of 15 December 1994,[17] the General Assembly reaffirmed the importance and urgency of preventing an arms race in outer space and the readiness of all States to contribute to that common objective, in conformity with the provisions of the Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies;[18] also reaffirmed its recognition, as stated in the report of the Ad Hoc Committee on the Prevention of an Arms Race and Outer Space, that the legal regime applicable to outer space by itself did not guarantee the prevention of an arms race in outer space, that the legal regime played a significant role in the prevention of an arms race in that environment, that there was a need to consolidate and reinforce that regime and enhance its effectiveness, and that it was important strictly to comply with existing agreements, both bilateral and multilateral; and requested the Conference on Disarmament to re-establish an ad hoc committee with an adequate mandate at the beginning of 1995 session and to continue building upon areas of convergence, taking into account the work undertaken since 1985, with a view to undertaking negotiations for the conclusion of an agreement or agreements, as appropriate, to prevent an arms race in outer space in all its aspects.

(*f*) Conventional weapons and advanced technologies

Questions related to conventional weapons and armed forces and to the impact of science and technology on international security continued to be addressed in various United Nations disarmament forums, primarily the General Assembly and the Disarmament Commission. As in previous years, the Secretary-General submitted a report to the General Assembly on "Scientific and technological developments and their impact on international security" and in it made an assessment of emerging trends.[19]

The General Assembly, by its resolution 49/68 of 15 December 1994,[20] affirmed that scientific and technological achievements should be used for the benefit of all mankind to promote the sustainable economic and social development of all States to safeguard international security, and that international cooperation in the use of science and technology through the transfer and exchange of technological know-out for peaceful purposes should be promoted; invited Member States to undertake additional efforts to apply science and technology for disarmament-related purposes and to make disarmament-related technologies available to interested States; and recommended that Member States adopt and implement national measures, consistent with international law, regulating the transfer of high technology with military applications in order to seek to ensure that such transfers do not undermine international peace and security and that access is not denied to high-technology products, services and know-how for peaceful purposes. By its resolution 49/67 of 15 December 1994,[21] the General Assembly, while expressing regret that the Disarmament Commission was unable to develop guidelines from its deliberations under its agenda item entitled "The role of science and technology in the context of international security, disarmament and other related fields", welcomed the report of the Secretary-General and fully agreed with the assessment that the application of new technologies for a qualitative improvement of weapons systems was seen as detracting from the efforts to reduce and eliminate the existing arsenals. By the same resolution, the General Assembly requested the Secretary-General to develop a database of concerned research institutions and experts with a view to promoting transparency and international cooperation in the applications of the scientific and technological developments for pursuing disarmament objectives such as disposal of weapons, conversion and verification, among others.

Much attention was devoted by the Member States to the illicit traffic in arms. By its resolution 49/75M of 15 December 1994,[22] the General Assembly invited the Disarmament Commission to expedite its consideration of the agenda item on international arms transfers, with special emphasis on the adverse consequences of the illicit transfer of arms and ammunition and to study measures to curb the illicit transfer and use of conventional arms; and requested the Secretary-General to seek the views of Member States on effective ways and means of collecting weapons illicitly transferred in the light of the experience gained by the United Nations and the views expressed by Member States and to submit a report on the result of his study to the General Assembly at its fiftieth session. The General Assembly also adopted a resolution on the relationship between disarmament and development.

(*g*) Convention on certain conventional weapons

The enormous numbers of mines sown on the territory of many countries and the consequent suffering of civilians, not only in time of war, but also long after the cessation of hostilities, continued to preoccupy the international community. In that

regard, at the forty-ninth session, the General Assembly adopted three resolutions. Under resolution 49/79, it called upon all States that had not yet done so to take all measures to become parties to the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to be Excessively Injurious or To Have Indiscriminate Effects[23] as soon as possible. By its resolution 49/75 O, the Assembly called upon those States which had not yet done so to agree to a moratorium on the export of anti-personnel mines and to support their eventual elimination. By its resolution 49/215, the Assembly welcomed the establishment by the Secretary-General of a Voluntary Trust Fund to finance, in particular, information and training programmes relating to mine clearance operations and to facilitate the launching of mine-clearance operations, and it appealed to Member States to contribute to the Fund.

(*h*) Regional approaches to disarmament

At its forty-ninth session, the General Assembly adopted six resolutions, on 15 December 1994, specifically on regional approaches to disarmament. Under resolution 49/75 N,[24] the Assembly called upon States to conclude agreements, wherever possible, for nuclear non-proliferation, disarmament and confidence-building measures at regional and subregional levels. By its resolution 49/75 O,[25] the Assembly decided to give urgent consideration to the issues involved in conventional arms control at the regional and subregional levels, and requested the Conference on Disarmament, as a first step, to consider the formulation of principles that could serve as a framework for regional agreements on conventional arms control. By its resolution 49/77 D,[26] the General Assembly, recalling its resolution 43/78 H of 7 December 1988 in which it endorsed the guidelines for appropriate types of confidence-building measures and for the implementation of such measures on a global or regional level, recommended the guidelines for appropriate types of confidence-building measures to all States for implementation, taking fully into account the specific political, military and other conditions prevailing in a region.

By its resolution 49/76 C,[27] the General Assembly reaffirmed its support for efforts aimed at promoting confidence-building measures at the regional and subregional levels in order to ease regional tensions and to further disarmament, non-proliferation and the peaceful settlement of disputes in Central Africa. Under resolution 49/81,[28] the General Assembly reaffirmed that security in the Mediterranean was closely linked to European security as well as to international peace and security; commended the efforts by the Mediterranean countries in the continuation of initiatives and negotiations as well as the adoption of measures that would promote confidence- and security-building as well as disarmament in the Mediterranean region; and encouraged all States of the region to promote genuine openness and transparency in all military matters, particularly by participating in United Nations system for the standardized reporting of military expenditures as well as by providing accurate data and information to the Register of Conventional Arms. The Assembly also adopted a resolution in support of the United Nations Regional Centre for Peace and Disarmament in Africa, United Nations Regional Centre for Peace and Disarmament in Asia and the Pacific, and United Nations Regional Centre for Peace, Disarmament and Development in Latin America and the Caribbean.

2. OTHER POLITICAL AND SECURITY QUESTION

(*a*) Membership in the United Nations

In 1994, the following State was submitted to membership in the United Nations:

State	*Decision of the General Assembly Resolution*	*Date of adoption*
Palau	49/63	15 December 1994

By the end of 1994, 185 States had become Members of the United Nations.

(*b*) Legal aspects of the peaceful uses of the outer space

The Legal Subcommittee of the Committee on the Peaceful Uses of Outer Space held its thirty-third session at the United Nations office at Vienna from 21 March to 5 April 1994.[29]

In considering agenda item "Question of early review and possible revision of the principles relevant to the use of nuclear power sources in outer space", the Legal Subcommittee reestablished its Working Group on the item. The Legal Subcommittee had before it General Assembly resolution 47/68, whereby the Assembly had adopted the Principles Relevant to the Use of Nuclear Power Sources in Outer Space, as well as General Assembly resolution 48/39 which provided that the Legal Subcommittee at its current session should continue, through its Working Group, its consideration of the question of early review and possible revision of the Principles. Bearing in mind that the Scientific and Technical Subcommittee was in the process of considering the implications of the use of nuclear power sources, the Working Group recommended that the consideration of the review of the Principles be suspended for one year, pending the results of the work in the Scientific and Technical Subcommittee. However, it was also recommended that the item concerning nuclear power sources be retained on the agenda of the Legal Subcommittee to allow delegations to continue consideration of that item in the plenary.

The Legal Subcommittee also re-established its Working Group on the agenda item "Matters relating to the definition and delimitation of outer space and to the character and utilization of the geostationary orbit, including consideration of ways and means to ensure the rational and equitable use of the geostationary orbit without prejudice to the role of the International Telecommunication Union". The Subcommittee had before it working papers submitted at its previous sessions. The Working Group considered two aspects of the agenda item, namely, the definition and delimitation of outer space, on the one hand, and the geostationary orbit, on the other. The Working Group, in connection with the question of the geostationary orbit, began a paragraph-by-paragraph review of the working paper submitted by Columbia at the previous session,[30] which was considered productive and as providing a good basis for the future work of the Working Group on the topic.

The Legal Subcommittee as well re-established its Working Group on agenda item "Consideration of the legal aspects related to the application of the principle that the exploration and utilization of outer space should be carried out for the benefit and in the interests of all States, taking into particular account the needs of developing countries". The Subcommittee had before it a working paper entitled "Principles regarding international cooperation in the exploration and utilization of outer space for peaceful purposes", submitted at its previous session by the delega-

tions of Argentina, Brazil, Chile, Columbia, Mexico, Nigeria, Pakistan, the Philippines, Uruguay and Venezuela.[31] At the current session, the delegations of Egypt and Iraq also became co-sponsors of the working paper, which was further discussed at the session.

The Committee on the Peaceful Uses of Outer Space at its thirty-seventh session, held at the United Nations Office at Vienna from 6 to 16 June 1994, took note with appreciation of the report of the Legal Subcommittee on the work of its thirty-third session and made recommendations concerning the agenda of the Subcommittee at its thirty-fourth session.[32]

With regard to the agenda item entitled "Question of early review and possible revision of the principles relevant to the use of nuclear power sources in outer space", the Committee was in agreement with the Legal Subcommittee concerning the one-year suspension of consideration of the Principles by the Working Group and the retention on the agenda of the Legal Subcommittee of the item concerning nuclear power sources.

Regarding the remainder of the Legal Subcommittee's agenda, the Committee recommended that the former continue its consideration of the items at its thirty-fourth session, in 1995.

The Committee also considered, in accordance with paragraph 38 of General Assembly resolution 48/39, the item entitled "Spin-off benefits of space technology: review of current status". The Committee noted that conversion of military industries to productive civilian uses would facilitate the transfer and use of space technologies and their spin-off benefits. Furthermore, the Committee agreed that there was a need to examine ways to strengthen and enhance international cooperation in the field of spin-off benefits of space technology, through, *inter alia*, improved means of providing access to spin-offs for all countries, giving particular attention to those spin-offs that could address the social and economic needs of developing countries.

At its forty-ninth session, by its resolution 49/34 of 9 December 1994,[33] adopted on the recommendation of the Special Political Committee,[34] the General Assembly endorsed the report of the Committee on the Peaceful Uses of Outer Space; invited States that had not yet become parties to the international treaties governing the uses of outer space[35] to give consideration to ratifying or acceding to those treaties, and endorsed the recommendations of the Committee that the Legal Subcommittee, at its thirty-fourth session, should continue consideration of its agenda items.

(*c*) Question of Antarctica

By its resolution 49/80 of 15 December 1994,[36] adopted on the recommendation of the First Committee,[37] the General Assembly, while recognizing that the Antarctic Treaty,[38] which provides, *inter alia*, for the demilitarization of the continent, the prohibition of nuclear explosions and the disposal of nuclear wastes, the freedom of scientific research and the free exchange of scientific information, was in furtherance of the purposes and principles of the Charter, and taking into account the Protocol on Environmental Protection to the Antarctic Treaty,[39] urged the Antarctic Treaty Consultative Parties to consider becoming parties as soon as possible to the Protocol, and so bring the Protocol into force in order to ensure the implementation of strengthened measures for the protection of the Antarctic environment and dependent and associated ecosystems; took note of the report of the Secretary-General

on Antarctica[40] and of the report of the Eighteenth Antarctic Treaty Consultative Meeting;[41] and welcomed the practice whereby the Antarctic Treaty Consultative Parties regularly provided the Secretary-General with information on their consultative meetings and on their activities in Antarctica. By the same resolution, the General Assembly noted the role accorded by the Secretary-General to the United Nations Environment Programme in relation to Antarctic matters, and urged the Antarctic Treaty Parties to extend invitations to the Executive Director of UNEP to attend future consultative meetings in order to assist them in the substantive work.

(*d*) Comprehensive review of the whole question of peacekeeping operations in all their aspects

The General Assembly, by its resolution 49/37 of 9 December 1994,[42] adopted on the recommendation of the Fourth Committee,[43] welcomed the report of the Special Committee on Peacekeeping Operations;[44] expressed its belief that it was of paramount importance that there be a clear and precise formulation of the mandate of peacekeeping operations, based on a comprehensive analysis and assessment of the situation on the ground by the Secretary-General and the Security Council and incorporating objectives achievable within a clear time-frame, which objectives should contribute to a political solution and be clearly related to the availability of the resources essential for their implementation; recommended the regular transmission of situation reports to troop-contributing countries, members of the Security Council and, where possible, other Member States on all peacekeeping operations; took note of the progress report of the Secretary-General on the start-up phase of the in-depth evaluation of peacekeeping;[45] stressed the need for a unified and well-defined United Nations command and control structure, incorporating a clear delineation of functions between United Nations Headquarters and the field, and noted that while operational matters should essentially be the responsibility of the force commander, Headquarters was responsible for overall control and political direction; reaffirmed that the financing of peacekeeping operations was the collective responsibility of all Member States in accordance with Article 17, paragraph 2, of the Charter and reiterated its call upon all Member States to pay their assessed contributions in full and on time, and commended those Member States which had offered voluntary contributions in addition to their assessed ones, and encouraged other Member States, including those directly concerned in a dispute that had resulted in deployment of a peacekeeping operation, to do the same, including contributions in kind, in accordance with their financial capacity and the Financial Regulations and Rules of the United Nations. By the same resolution, the General Assembly welcomed the adoption by its Sixth Committee of the Convention on the Safety of United Nations and Associated Personnel;[46] noted the importance of concluding arrangements between the United Nations and troop-contributing countries before deployment occurred, and stressed that, as far as possible, those arrangements should be along the lines of the model agreement outlined in the report of the Secretary-General of 23 May 1991;[47] stressed the need, bearing in mind the provisions of Chapter VIII of the Charter of the United Nations, to enhance the cooperation and coordination between the United Nations and those regional arrangements and organizations able to assist it in its peacekeeping activities in accordance with their respective mandates, scope and composition; and also noted the recent work of the Special Committee on the Charter of the United Nations and on the Strenghtening of

the Role of the Organization in elaborating the text of the Declaration on the Enhancement of Cooperation between the United Nations and Regional Arrangements or Agencies in the Maintenance of International Peace and Security.[48]

(*e*) Request for an advisory opinion from the International Court of Justice on the legality of the threat or use of nuclear weapons

The General Assembly, by its resolution 49/75K of 15 December 1994,[49] adopted on the recommendation of the First Committee,[50] noting the concerns expressed in the Fourth Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons that insufficient progress had been made towards the complete elimination of nuclear weapons at the earliest possible time; recalling that, convinced of the need to strengthen the rule of law in international relations, it had declared the period 1990-1999 the United Nations Decade of International Law;[51] noting that Article 96, paragraph 1, of the Charter empowered the General Assembly to request the International Court of Justice to give an advisory opinion on any legal question; recalling the recommendation of the Secretary-General, made in his report entitled "An Agenda for Peace,"[52] that United Nations organs that were authorized to take advantage of the advisory competence of the International Court of Justice turn to the Court more frequently for such opinions; and welcoming resolution 46/40 of 14 May 1993 of the Assembly of the World Health Organization, in which the organization had requested the International Court of Justice to give an advisory opinion on whether the use of nuclear weapons by a State in war or other armed conflict would be a breach of its obligations under international law, including the Constitution of the World Health Organization; decided, pursuant to Article 96, paragraph 1, of the Charter of the United Nations, to request the International Court of Justice urgently to render its advisory opinion on the following question: "Is the threat or use of nuclear weapons in any circumstance permitted under international law?"

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

(*a*) Environmental questions

Fourth special session of the Governing Council of the United Nations Environment Programme[53]

The fourth special session of the Governing Council of the United Nations Environment Programme was held at UNEP headquarters, Nairobi, on 18 June 1994. In order to reduce costs, it was held at the same location immediately prior to the second session of the Intergovernmental Committee on the Convention on Biological Diversity. At the special session, the Council was invited to adopt the Instrument for the Establishment of the Restructured Global Environment Facility (GEF)[54] as the basis for the participation of UNEP as an implementing agency of GEF.

By its decision SS.IV/1,[55] the Governing Council, having taken note of the agreement reached at the Global Environment Facility Participants' meeting in 1994 on the text of the Instrument for the Establishment of the Restructured Global Environment Facility, adopted the Instrument, as a basis for the participation of UNEP as an implementing agency of GEF, and requested the Executive Director of UNEP to

consider ways of enhancing the capacity of UNEP to fulfil its role in the Global Environment Facility. The Governing Council further requested the Executive Director to include in the provisional agenda for the eighteenth regular session of the Council an item on the participation of UNEP in GEF and to present a progress report to the Council thereon.

Consideration of the General Assembly

At its forty-ninth session, the General Assembly, by its resolution 49/112 of 19 December 1994,[56] adopted on the recommendation of the Second Committee,[57] convinced that the continuing deterioration of the global environment at all levels, owing to the impact of constantly increasing human activity, remained a serious concern requiring further attention, including enhanced awareness and intensified action, welcomed the Global Learning and Observations to Benefit the Environment (GLOBE) programme initiated by the Government of the United States of America on 22 April 1994, which aimed to enhance the collective awareness of individuals throughout the world concerning the environment, increase scientific understanding of the Earth and help all students reach the highest standards in science and mathematics education, and requested the Secretary-General to ensure that appropriate account was taken of the GLOBE initiative in the efforts of the United Nations system to support the implementation of Agenda 21,[58] particularly in the coordinating functions of the Inter-agency Committee on Sustainable Development of the Administrative Committee on Coordination. By its resolution 49/113 of the same date,[59] adopted on the recommendation of the Second Committee,[60] aware of the fact that dissemination of the principles contained in the Declaration on Environment and Development[61] could stimulate increased national and international efforts to promote sustainable and environmentally sound development in all countries, urged all Governments to promote the widespread dissemination at all levels of the Rio Declaration.

By its resolution of 49/120 of 19 December 1994,[62] adopted on the recommendation of the Second Committee,[63] the General Assembly welcomed the entry into force, on 21 March 1994, of the United Nations Framework Convention on Climate Change,[64] noted with satisfaction that a large number of States and one regional economic integration organization had taken action to ratify the Convention and called upon other States to take appropriate action to that end, and urged the Intergovernmentel Negotiating Committee for a Framework Convention on Climate Change to complete fully, at its eleventh session, to be held in New York from 6 to 17 February 1995, its plan of preparatory work for the first session of the Conference of the Parties to the Convention. By its resolution 49/114 of the same date,[65] adopted on the recommendation of the Second Committee,[66] the Assembly, highlighting the importance of the implementation of the Montreal Protocol on Substances that Deplete the Ozone Layer,[67] concluded at Montreal on 16 September 1987, and its subsequent amendments, and the relevant role played by the Executive Committee of its Multilateral Fund, proclaimed 16 September the International Day for the Preservation of the Ozone Layer, commemorating the date on which the Montreal protocol was signed, to be observed beginning in 1995.

By its resolution 49/115 19 December 1994,[68] adopted on the recommendation of the Second Committee,[69] the General Assembly decided to proclaim 17 June the World Day to Combat Desertification and Drought, to be observed beginning in 1995, and invited all States to devote the World Day to promoting public awareness

through the publication and diffusion of documentaries and the organization of conferences, round-table meetings, seminars and expositions relating to international cooperation to combat desertification and the effects of drought and the implementation of the provisions of the United Nations Convention to Combat Desertification in those Countries Experiencing Serious Drought and/or Deseritification, particularly in Africa,[70] and its regional implementation annexes. By its resolution and 49/234 of 23 December 1994,[71] adopted on the recommendation of the Second Committee,[72] the General Assembly urged States that had not yet signed the Desertification Convention to do so during the current session of the Assembly and no later than 13 October 1995, in conformity with article 33 of the Convention, and urged States and Organizations that had signed the Convention to proceed to its ratification so that it might enter into force as soon as possible; invited signatories to the Convention, in addition to the information provided at the time of signature, to continue to communicate to the interim secretariat of the Convention information on actions taken or envisaged for the implementation of the provisions of Intergovernmental Negotiating Committee resolution 5/I on urgent action for Africa; and decided that the Committee should continue to function in order, *inter alia*, to prepare for the first session of the Conference of the Parties to the Convention, as specified in the Convention.

By its resolution 49/117 of 19 December 1994,[73] adopted on the recommendation of the Second Committee,[74] the General Assembly welcomed the early entry into force of the Convention on Biological Diversity[75] and the convening of the first meeting of the Conference of the Parties to the Convention, held at Nassau from 28 November to 9 December 1994, and called upon those States which had not yet ratified the Convention to expedite their internal procedures of ratification, acceptance or approval. By its resolution for 49/119 of the same date,[76] adopted on the recommendation Second Committee,[77] the Assembly proclaimed 29 December, the date of the entry into force of the Convention on Biological Diversity, International Day for Biological Diversity.

By its resolution 49/116 of 19 December 1994,[78] adopted on the recommendation of the Second Committee,[79] the General Assembly, recalling Agenda 21, adopted by the United Nations Conference on Environment and Development, in particular its chapter 17, concerning the sustainable development and conservation of the marine living resources of areas under national jurisdiction, called upon States to take the responsibility, consistent with their obligations under international law as reflected in the United Nations Convention on the Law of the Sea,[80] of taking measures to ensure that no fishing vessels entitled to fly their national flag fished in zones under the national jurisdiction of other States unless duly authorized by the competent authorities of the coastal State or States concerned; such authorized fishing operations should be carried out in accordance with the conditions set out in the authorization; and called upon development assistance organizations to make it a high priority to support efforts, including through financial and/or technical assistance, by the developing coastal States, in particular the least developed countries and the small island developing States, to improve the monitoring and control of fishing activities and the enforcement of fishing regulations. By its resolution 49/118 of the same date,[81] adopted on the recommendation of the Second Committee,[82] the General Assembly, recalling that the United Nations Conference on Environment and Development, held at Rio de Janeiro in June 1992,[83] and the International Conference on Responsible Fishing, held at Cancun, Mexico, in May 1992,[84] agreed to promote the development and use of selective fishing gears and practices that

minimized waste in the catch of target fish species and minimized by-catch of non-target fish and non-fish species, believed that the issue of by-catch and discards in fishing operations warranted serious attention by the international community; also believed that a continued and effective response to the issue of addressing fisheries by-catch and discards was necessary so as to ensure the long-term and sustainable development of fisheries, taking into account the relevant principles contained in the Rio Declaration on Environment and Development; and invited the Food and Agriculture Organization of the United Nations to formulate fisheries by-catch and discard provisions in its international code of conduct for responsible fishing, taking into account work being done elsewhere. By its resolution 49/121 of the same date,[85] adopted on the recommendation of the Second Committee,[86] the Assembly noted the progress made by the United Nations Conference on Straddling Fish Stocks and Highly Migratory Fish Stocks at its previous sessions; approved the convening in New York of two further sessions of the Conference in 1995, in accordance with the recommendation of the Conference; and decided to include in the provisional agenda of its fiftieth session, under the item entitled "Environment and sustainable development", a sub-item entitled "Sustainable use and conservation of the marine living resources of the high seas: report of the United Nations Conference on Straddling Fish Stocks and Highly Migratory Fish Stocks". By its resolution 49/131 of the same date,[87] adopted on the recommendation of the Second Committee,[88] the General Assembly proclaimed 1998 International Year of the Ocean.

(*b*) Crime prevention and criminal justice

By its resolution 49/157 of 23 December 1994,[89] adopted on the recommendation of the Third Committee,[90] the General Assembly took note of the report of the Secretary-General[91] on the progress made in the implementation of Assembly resolutions 46/152, 47/91 and 48/103, and of the progress made so far in the preparation for the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders. By its resolution 49/158 of 23 December 1994,[92] adopted on the recommendation of the Third Committee,[93] the Assembly requested the Secretary-General, as a matter of urgency, to give effect to its resolutions 46/152, 47/91 and 48/103 and to Economic and Social Council resolutions 1992/22, 1993/31, 1993/34 and 1994/16 by providing the United Nations crime prevention and criminal justice programme with sufficient resources for the full implementation of its mandates, in conformity with the high priority attached to the programme; and recognized that operational activities and technical assistance should continue to receive priority attention among United Nations activities in crime prevention and criminal justice.

By its resolution 49/156 of 23 December 1994,[94] adopted on the recommendation of the Third Committee,[95] the General Assembly commended the United Nations African Institute for the Prevention of Crime and the Treatment of Offenders for the activities it had undertaken, despite the difficulties it faced in fulfilling its mandate, as reflected in the progress report of the Secretary-General on the activities of the United Nations Interregional Crime and Justice Research Institute and other institutes.[96] Furthermore, by its resolution 49/159 of 23 December 1994,[97] adopted on the recommendation of the Third Committee,[98] the Assembly approved the Political Declaration and the Global Action Plan against Organized Transnational Crime,[99] adopted at Naples by the Conference, and urged States to implement them as a matter of urgency.

(*c*) International drug control

Status of international instruments

In the course of 1994, four more States became parties to the 1961 Single Convention on Narcotic Drugs,[100] five more States became parties to the 1971 Convention on Psychotropic Substances,[101] four more States became parties to the 1972 Protocol amending the Single Convention on Narcotic Drugs, 1961,[102] six more States became parties to the Single Convention on Narcotic Drugs, 1961, as amended by the Protocol of 25 March 1972 amending the Single Convention on Narcotic Drugs, 1961,[103] and 10 more States became parties to the 1988 United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances.[104]

Consideration by the General Assembly

By its resolution 49/168 of 23 December 1994,[105] adopted on the recommendation of the Third Committee,[106] the General Assembly reaffirmed that the fight against drug abuse and illicit trafficking should not in any way justify violation of the principles enshrined in the Charter of the United Nations and international law, particularly respect for the sovereignty and territorial integrity of States and non-use of force or the threat of force in international relations; renewed its commitment to further strengthening international cooperation and substantially increasing efforts against the illicit production, sale, demand, traffic and distribution of narcotic drugs and psychotropic substances, based on the principle of shared responsibility and taking into account experience gained; and called upon all States to adopt adequate national laws and regulations, to strengthen national judicial systems and to carry out effective drug control activities in cooperation with other States in accordance with those international instruments.

Furthermore, the General Assembly reaffirmed the importance of achieving the objectives of the United Nations Decade against Drug Abuse 1991-2000, under the theme "A global response to a global challenge", by Member States, the United Nations International Drug Control Programme and the United Nations system; reaffirmed the importance of the Global Programme of Action[107] as a comprehensive framework for national, regional and international action to combat illicit production of, demand for and trafficking in narcotic drugs and psychotropic substances; called uon States to implement the mandates and recommendations of the Global Programme of Action, with a view to translating it into practical action for drug abuse control at the national, regional and international levels; and urged all Governments and competent regional organizations to develop a balanced approach within the framework of comprehensive demand reduction activities, giving adequate priority to prevention, treatment, research, social reintegration and training in the context of national strategic plans to combat drug abuse.

By the same resolution, the General Assembly supported the United Nations System-wide Action Plan on Drug Abuse Control[108] as a vital tool for the coordination and enhancement of drug abuse control activities within the United Nations system and requested that it be updated and reviewed on a biennial basis with a view to continuing efforts to improve the presentation and usefulness as a strategic tool of the United Nations for the drug problem; and reaffirmed the role of the Executive Director of the United Nations International Drug Control Programme in coordinating and providing effective leadership for all United Nations drug control activities so as to increase cost-effectiveness and ensure coherence of action within the Programme as well as coordination, complementarity and non-duplication of such activities across the United Nations system.

(*d*) Human rights questions

(1) *Status and implementation of international instruments*

(i) International Covenants on Human Rights

In 1994, four more States became parties to the International Covenant on Economic, Social and Cultural Rights,[109] five more States became parties to the International Covenant on Civil and Political Rights,[110] six more States became parties to the Optional Protocol to the International Covenant on Civil and Political Rights,[111] and seven more States became parties to the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the Abolition of the Death Penalty.[112]

(ii) Convention on the Elimination of All Forms of Discrimination against Women[113]

In 1994, eight more States became parties to the Convention on the Elimination of All Forms of Discrimination against Women.

By its resolution 49/164 of 23 December 1994,[114] adopted on the recommendation of the Third Committee,[115] the General Assembly took note of the report of the Secretary-General on the status of the Convention,[116] and of the reports of the Committee on the Elimination of Discrimination against Women on its twelfth[117] and thirteenth[118] sessions.

(iii) Convention on the Rights of the Child[119]

In 1994, 14 more States became parties to the Convention on the Rights of the Child.

By its resolution 49/211 of 23 December 1994,[120] adopted on the recommendation of the Third Committee,[121] the General Assembly took note of the report of the Secretary-General on the status of the Convention.[122]

(iv) International Convention on the Elimination of All Forms of Racial Discrimination[123]

In 1994, five more States became parties to the International Convention on the Elimination of All Forms of Racial Discrimination.

By its resolution 49/144 of 23 December 1994,[124] adopted on the recommendation of the Third Committee,[125] the General Assembly took note of the report of the Secretary-General.[126] Furthermore, by resolution 49/145 of the same date,[127] adopted on the recommendation of the Third Committee,[128] the General Assembly took not with appreciation of the report of the Committee on the work of its forty-fourth and forty-fifth sessions.[129]

(v) International Convention on the Suppression and Punishment of the Crime of Apartheid[130]

In 1994, one more State became a party to the International Convention on the Suppression and Punishment of the Crime of Apartheid.

(vi) International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families[131]

In 1994, one more State became a party to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

By its resolution 49/175 of 23 December 1994,[132] adopted on the recommendation of the Third Committee,[133] the General Assembly took note of the report of the Secretary-General[134] and requested him to submit to it at its fiftieth session an updated report on the status of the Convention.

(vii) Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment[135]

In 1994, seven more States became parties to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

By its resolution 49/177 of 23 December 1994,[136] adopted on the recommendation of the Third Committee,[137] the General Assembly commended the Committee against Torture for its excellent report, in its modified presentation,[138] and noted the status of submission of reports by States parties to the Convention.[139]

(viii) Effective implementation of international instruments on human rights, including reporting obligations under international instruments on human rights

By its resolution 49/178 of 23 December 1994,[140] adopted on the recommendation of the Third Committee,[141] the General Assembly took note of the conclusions and recommendations of the fifth meeting of persons chairing human rights treaty bodies,[142] and further took note of the reports of the Secretary-General[143] on progress achieved in enhancing the effective functioning of the treaty bodies, and of the note of the Secretary-General.[144]

(2) *Strengthening of United Nations action in the human rights field through the promotion of international cooperation and the importance of non-selectivity, impartiality and objectivity*

By its resolution 49/181 of 23 December 1994, [145] adopted on the recommendation of the Third Committee,[146] the General Assembly reiterated that, by virtue of the principle of equal rights and self-determination of peoples

enshrined in the Charter of the United Nations, all peoples had the right freely to determine without external interference their political status and to pursue their economic, social and cultural development, and that every State had the duty to respect that right within the provisions of the Charter, including respect for territorial integrity; reaffirmed that it was a purpose of the United Nations and the task of all Member States, in cooperation with the Organization, to promote and encourage respect for human rights and fundamental freedoms and to remain vigilant with regard to violations of human rights wherever they occur; and affirmed that the promotion, protection and full realization of all human rights and fundamental freedoms, as legitimate concerns of the world community, should be guided by the principles of non-selectivity, impartiality and objectivity and should not be used for political ends.

(3) *Strengthening the role of the United Nations in enhancing the effectiveness of the principle of periodic and genuine elections and the promotions of democratization*

By its resolution 49/190 of 23 December 1994,[147] adopted on the recommendation of the Third Committee,[148] the General Assembly commended the electoral assistance provided to Member States at their request by the United Nations, requested that such assistance continue on a case-by-case basis in accordance with the proposed guidelines on electoral assistance, recognizing that the fundamental responsibility for ensuring free and fair elections lay with Governments, and also requested the Electoral Assistance Division of the Department of Peacekeeping Operations of the United Nations Secretariat to continue to inform Member States on a regular basis about the requests received, the responses given to those requests and the nature of the assistance provided; recommended that the Electoral Assistance Division provide post-election assistance to States that request such assistance, and to electoral institutions, in order to contribute to the stability and continuity of their electoral processes, as provided for in the report of the Secretary-General, and that it study, in cooperation with relevant United Nations offices, ways of defining more clearly the activities related to democratic consolidation which the United Nations might usefully undertake in assisting the efforts of interested States in that regard; and further requested the Secretary-General to take further steps to support states which request assistance by, *inter alia*, enabling the United Nations High Commissioner for Human Rights, in accordance with his mandate and through the Centre for Human Rights of the United Nations Secretariat, to support democratization activities as related to human rights concerns, including, *inter alia*, human rights training and education, assistance for human rights-related legislative reform, strengthening and reform of the judiciary, assistance to national human rights institutions and advisory services on treaty accession, reporting and international obligations as related to human rights.

(4) *Strengthening of the rule of law*

By its resolution 49/194 of 23 December 1994,[149] adopted on the recommendation of the Third Committee,[150] the General Assembly welcomed the report of the Secretary-General[151] submitted in conformity with resolution 48/132, and took note with interest of the proposals submitted in the report of the Secretary-General for strengthening the programme of advisory services and technical assistance of the Centre for Human Rights of the Secretariat in order to comply fully with the recommendations of the World Conference on Human Rights concerning assistance to States in strengthening their institutions in the rule of law; and requested the Secretary-General to explore the possibilities of obtaining from all relevant institutions of the United Nations system, including financial institutions, acting within their mandates, technical and financial assistance to strengthen the realization of human rights and the maintenance of the rule of law.

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

By its resolution 49/148 of 23 December 1994,[152] adopted on the recommendation of the Third Committee,[153] the General Assembly, taking note of the report of the Secretary-General on the right of peoples to self-determination,[154] reaffirmed that the universal realization of the right of all peoples, including those under colonial, foreign and alien domination, to self-determination was a fundamental condition for the effective guarantee and observance of human rights and for the preservation and promotion of such rights; and called upon those States responsible to cease immediately their military intervention in and occupation of foreign countries and territories and all acts of repression, discrimination, exploitation and maltreatment, particularly the brutal and inhuman methods reportedly employed for the execution of those acts against the peoples concerned.

(6) *Effective promotion of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities*

By its resolution 49/192 of 23 December 1994,[155] adopted on the recommendation of the Third Committee,[156] the General Assembly urged States and the international community to promote and protect the rights of persons belonging to national or ethnic, religious and linguistic minorities, as set out in the Declaration on the Rights of Persons belonging to National or Ethnic, Religious and Linguistic Minorities,[157] including through the facilitation of their full participation in all aspects of society and in the economic progress and development in their country; and further urged States to take, as appropriate, all the necessary constitutional, legislative, administrative and other measures to promote and give effect to the principles contained in the Declaration.

(7) *Human rights and terrorism*

By its resolution 49/185 of 23 December 1994,[158] adopted on the recommendation of the Third Committee,[159] the General Assembly reiterated its unequivocal condemnation of all acts, methods and practices of terrorism, as activities aimed at the destruction of human rights, fundamental freedoms and democracy, threatening the territorial integrity and security of States, destabilizing legitimately constituted Governments, undermining pluralistic civil society and having adverse consequences on the economic and social development of States; and called upon States to take all necessary and effective measures in accordance with international standards of human rights, to prevent, combat and eliminate all acts of terrorism wherever and by whomever committed, and urged the international community to enhance cooperation in the fight against the threat of terrorism at national, regional and international levels.

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

By its resolution 49/188 of 23 December 1994,[160] adopted on the recommendation of the Third Committee,[161] the General Assembly urged States to ensure that their constitutional and legal systems provided full guarantees of freedom of thought, conscience, religion and belief to all without discrimination, including the provision of effective remedies in cases where the right to freedom of religion or belief is violated; further urged States, in conformity with international standards of human rights, to take all necessary action to prevent such instances, to take all appropriate measures to combat hatred, intolerance and acts of violence, intimidation and coercion motivated by religious extremism and to encourage understanding, tolerance and respect in matters relating to freedom of religion or belief; and emphasized that, as underlined by the Human Rights Committee, restrictions on the freedom to manifest religion or belief were permitted only if limitations were prescribed by law, were necessary to protect public safety, order, health or morals, or the fundamental rights and freedoms of others, and were applied in a manner that did not vitiate the right to freedom of thought, conscience and religion.

(9) *Towards full integration of persons with disabilities in society: implementation of the Standard Rules on the Equalization of Opportunities for Persons with Disabilities and of the Long-Term Strategy to Implement the World Programme of Action concerning Disabled Persons to the Year 2000 and Beyond*

By its resolution of 23 December 1994,[162] adopted on the recommendation of the Third Committee,[163] the General Assembly, recalling its resolution 37/52 of 3 December 1982, by which it adopted the World Programme of Action concerning Disabled Persons,[164] urged all Governments to implement, with the cooperation and assistance of organizations, the Standard Rules on the Equalization of Opportunities for Persons with Disabilities, set out in the annex to General Assembly resolution 48/96 of 20 December 1993; and called upon Governments, when implementing the World Programme of Action, to

take into account the elements suggested in the Long-Term Strategy to Implement the World Programme of Action concerning Disabled Persons to the Year 2000 and Beyond, as set out in the report of the Secretary-General on the implementation of the World Programme of Action.[165]

(10) *Violence against women migrant workers*

By its resolution 49/165 of 23 December 1994,[166] adopted on the recommendation of the Third Committee,[167] the General Assembly, convinced of the need to eliminate all forms of discrimination against women and to protect them from gender-based violence, recalled its resolution 48/104 of 20 December 1993, by which it had adopted the Declaration on the Elimination of Violence against Women; welcomed measures to strengthen the human rights of women and the establishment of closer ties between the organs dealing with women's issues and rights in the United Nations, through a special programme of activities, as envisioned in the proposed revision to the medium-term plan for the period 1992-1997; called upon the countries concerned to take appropriate measures to ensure that law enforcement officials assisted in guaranteeing the full protection of the rights of women migrant workers, consistent with international obligations of Member States; and urged both sending and host countries to help ensure that women migrant workers were protected from unscrupulous recruitment practices, if needed by the adoption of legal measures.

(11) *Traffic in women and girls*

By its resolution 49/166 of 23 December 1994,[168] adopted on the recommendation of the Third Committee,[169] the General Assembly, reaffirming its faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women, enshrined in the Charter of the United Nations; reaffirming also the principles set forth in the Universal Declaration of Human Rights, the Convention on the Elimination of All Forms of Discrimination against Women, the International Covenants on Human Rights, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention on the Rights of the Child and the Declaration on the Elimination of Violence against Women; and recalling that the Vienna Declaration and Programme of Action, adopted by the World Conference on Human Rights on 25 June 1993,[170] affirmed the human rights of women and the girl child as an inalienable, integral and indivisible part of universal human rights, expressed its grave concern over the worsening problem of trafficking, particularly the increasing syndication of the sex trade and the internationalizaton of the traffic in women and girl children; encouraged Governments, relevant bodies and specialized agencies of the United Nations system, intergovernmental organizations and non-governmental organizations to gather and share information relative to all aspects of trafficking in women and girl children to facilitate the development of anti-trafficking measures; urged Governments to take appropriate measures to address the problem of trafficking in women and girl children and to ensure that the victims were provided with the necessary assistance,

support, legal advice, protection, treatment and rehabilitation, and further urged Governments to cooperate in the matter; and also encouraged Member States to consider signing and ratifying or acceding to the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others,[171] the Slavery Convention as amended,[172] and all other relevant international instruments.

(12) *Human rights and extreme poverty*

By its resolution 49/179 of 23 December 1994,[173] adopted on the recommendation of the Third Committee,[174] the General Assembly, deeply concerned that extreme poverty continues to spread in all countries of the world, regardless of their economic, social and cultural situation, and seriously affected the most vulnerable and disadvantaged individuals, families and groups, who were thus hindered in the exercise of their human rights and their fundamental freedoms, reaffirmed that extreme poverty and exclusion from society constituted a violation of human dignity and that urgent national and international action was therefore required to eliminate them; and reaffirmed also that, in accordance with the Vienna Declaration and Programme of Action, it was essential for States to foster participation by the poorest people in the decision-making process in their communities, in the promotion of human rights and in efforts to combat extreme poverty.

(*e*) Office of the United Nations High Commissioner for Refugees[175]

During the reporting period, a number of important agreements were reached and arrangements made for large-scale voluntary repatriation movements, notably in Africa and Asia. At the same time, the deterioration in a number of other situations led to major new refugee flows. Worldwide, the total population of concern to the High Commissioner reached some 23 million, including some 16.4 million refugees, as well as certain groups of internally displaced and other persons of humanitarian concern. The Office continued to pursue a strategy of prevention, preparedness and solutions in responses to problems of coerced displacement. It continued its endeavours to secure asylum for those compelled to flee and to respond rapidly to their emergency needs, while complementing these efforts with prevention and solution-oriented activities in countries of origin.

UNHCR continued to cooperate with other actors in the development of strategies to resolve and, where possible, prevent the causes of refugee flows and, in the search for solutions, to be active in promoting conditions which would make voluntary repatriation of refugees possible. Furthermore, UNHCR encouraged discussion in various forums of comprehensive regional approaches to mass forced displacements, where persecution might have been one of a number of complex motives underlying flight.

As the factors which generate involuntary movements create both refugees and internally displaced persons, UNHCR advocated the strengthening of humanitarian law and human rights law as it applied to displaced persons. In particular, UNHCR emphasized the need to improve the implementation of existing principles of humanitarian law and human rights law, and to develop the legal basis for humanitarian access to affected populations.

In securing the rights of refugees, where direct and indirect obstacles were placed in the way of refugee safety and refugee recognition, UNHCR intervened with the authorities to secure the immediate safety of the refugee or asylum-seeker. In this regard, the Office also provided its interpretation of certain doctrines enshrined in the 1951 Convention relating to the Status of Refugees[176] and other instruments.

During 1994, Dominica, Samoa and the former Yugoslav Republic of Macedonia acceded or succeeded to the 1951 Convention and/or the 1967 Protocol[177] relating to the Status of Refugees.

UNHCR's promotional activities sought to strengthen knowledge and understanding of refugee issues, as well as to foster the effective implementation of international legal standards on behalf of refugees, returnees and other persons of concern to UNHCR, including through their incorporation into national legislation and administrative procedures. The development of a model legislation on refugees was at the heart of a cooperation project between UNHCR, OAU and the Asian-African Legal Consultative Committee. Furthermore, UNHCR organized well over 100 refugee law and protection courses throughout the world during the reporting period.

At the forty-fifth session of the Executive Committee of the Programme of the High Commissioner for Refugee, held at Geneva from 3 to 7 October 1994,[178] the Committee reaffirmed the importance of the 1951 Convention and the 1967 Protocol relating to the Status of Refugees as the cornerstone of the international system for the protection of refugees, and underlined the role of the High Commissioner, pursuant to articles 35 and II of those instruments, respectively, in supervising their application. The Committee further recognized that international human rights law, international humanitarian law and , in many cases, national laws included norms providing for the security and protection of the internally displaced as well as those at risk of displacement and expressed serious concern at the failure of parties involved to respect those norms. The Committee also urged the High Commissioner to undertake initiatives for refugee women in the areas of leadership and skills training, legal awareness and education and in particular in the area of reproductive health, with full respect for the various religious and ethical values and cultural backgrounds of the refugees, in conformity with universally recognized international human rights and the UNHCR Guidelines on the Protection of Refugee Women.[179] The Committee supported efforts to enhance the implementation of the Guidelines on Refugee Children,[180] in particular, the integration of refugee children's issues into training of UNHCR staff as well as their implementing partners, and the creation of a Regional Support Unit for Refugee Children.

By its resolution 49/169 of 23 December 1994,[181] adopted on the recommendation of the Third Committee,[182] the General Assembly strongly reaffirmed the fundamental importance of the function of the United Nations High Commissioner for Refugees of providing international protection to refugees and the need for States to cooperate fully with her Office in order to facilitate the effective exercise of that function; called upon all States that had not yet done so to accede or declare succession to and to implement fully the 1951 Convention and the 1967 Protocol relating to the Status of Refugees and relevant regional instruments for the protection of refugees; called upon all States to uphold asylum as an indispensable instrument for the international protection of refugees and to respect scrupulously the fundamental principle of non-refoulement; reiterated the importance of ensuring access, for all persons seeking international protection, to fair and efficient procedures for the de-

termination of refugee status or, as appropriate, to other mechanisms to ensure that persons in need of international protection were identified and granted such protection, while not diminishing the protection afforded to refugees under the terms of the 1951 Convention, the 1967 Protocol and relevant regional instruments; acknowledged the continuing close cooperation between the High Commissioner and the representative of the Secretary-General on internally displaced persons in the exercise of his mandate, and recognized the importance of their close cooperation, and of cooperation with the International Committee of the Red Cross, with respect to prevention, protection, humanitarian assistance and solutions; and noted the relationship between safeguarding human rights and preventing refugee situations and welcomed the High Commissioner's growing cooperation with the United Nations High Commissioner for Human Rights and her continued cooperation with the Centre for Human Rights of the Secretariat and the Commission on Human Rights.

(*f*) International Tribunal for Rwanda

The Security Council, acting under Chapter VII of the Charter of the United Nations, by its resolution 955 (1994) of 8 November 1994, decided to establish an international tribunal for the sole purpose of prosecuting persons responsible for genocide and other serious violations of international humanitarian law committed in the territory of Rwanda and Rwandan citizens responsible for genocide and other such violations committed in the territory of its neighbouring States between 1 January 1994 and 31 December 1994.

The statute of the International Tribunal reads as follows:

Statute of the International Tribunal for Rwanda

Having been established by the Security Council acting under Chapter VII of the Charter of the United Nations, the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan citizens responsible for genocide and other such violations committed in the territory of neighbouring States, between 1 January 1994 and 31 December 1994 (hereinafter referred to as "the International Tribunal for Rwanda") shall function in accordance with the provisions of the present Statute.

Article 1

Competence of the International Tribunal for Rwanda

The International Tribunal for Rwanda shall have the power to prosecute persons responsible for serious violations of international humanitarian law committed in the territroy of Rwanda and Rwandan citizens responsible for such violations committed in the territory of neighbouring States, between 1 January 1994 and 31 December 1994, in accordance with the provisions os the present Statute.

Article 2

Genocide

1. The International Tribunal for Rwanda shall have the power to prosecute persons committing genocide as defined in paragraph 2 of this article or of committing any of the other acts enumerated in paragraph 3 of this article.

2. Genocide means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such:

(*a*) Killing members of the group;

(*b*) Causing serious bodily or mental harm to members of the group;

(*c*) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;

(*d*) Imposing measures intended to prevent births within the group;

(*e*) Forcibly transferring children of the group to another group.

3. The following acts shall be punishable:

(*a*) Genocide;

(*b*) Conspiracy to commit genocide;

(*c*) Direct and public incitement to commit genocide;

(*d*) Attempt to commit genocide;

(*e*) Complicity in genocide.

Article 3

CRIMES AGAINST HUMANITY

The International Tribunal for Rwanda shall have the power to prosecute persons responsible for the following crimes when committed as part of a widespread or systematic attack against any civilian population on national, political, ethnic, racial or religious grounds:

(*a*) Murder;

(*b*) Extermination;

(*c*) Enslavement;

(*d*) Deportation;

(*e*) Imprisonment;

(*f*) Torture;

(*g*) Rape;

(*h*) Persecutions on political, racial and religious grounds;

(*i*) Other inhumane acts.

Article 4

VIOLATIONS OF ARTICLE 3 COMMON TO THE GENEVA CONVENTIONS AND OF ADDITIONAL PROTOCOL II

The International Tribunal for Rwanda shall have the power to prosecute persons committing or ordering to be committed serious violations of article 3 common to the Geneva Conventions of 12 August 1949 for the Protection of War Victims, and of Additional Protocol II thereto of 8 June 1977. These violations shall include, but shall not be limited to:

(*a*) Violence to life, health and physical or mental well-being of persons, in particular murder as well as cruel treatment such as torture, mutilation or any form of corporal punishment;

(*b*) Collective punishments;

(*c*) Taking of hostages;

(*d*) Acts of terrorism;

(*e*) Outrages upon personal dignity, in particular humiliating and degrading treatment, rape, enforced prostitution and any form of indecent assault;

(*f*) Pillage;

(*g*) The passing of sentences and the carrying out of executions without previous judgement pronounced by a regularly constituted court, affording all the judicial guarantees which are recognized as indispensable by civilized peoples;

(*h*) Threats to commit any of the foregoing acts.

Article 5

PERSONAL JURISDICTION

The International Tribunal for Rwanda shall have jurisdiction over natural persons pursuant to the provisions of the present Statute.

Article 6

INDIVIDUAL CRIMINAL RESPONSIBILITY

1. A person who planned, instigated, ordered, committed or otherwise aided and abetted in the planning, preparation or execution of a crime referred to in articles 2 to 4 of the present Statute, shall be individually responsible for the crime.

2. The official position of any accused person, whether as Head of State or Government or as a responsible Government official, shall not relieve such person of criminal responsibility nor mitigate punishment.

3. The fact that any of the acts referred to in articles 2 to 4 of the present Statute was committed by a subordinate does not relieve his or her superior of criminal responsibility if he or she knew or had reason to know that the subordinate was about to commit such acts or had done so and the superior failed to take the necessary and reasonable measures to prevent such acts or to punish the perpetrators thereof.

4. The fact that an accused person acted pursuant to an order of a Government or of a superior shall not relieve him or her of criminal responsibility, but may be considered in mitigation of punishment if the International Tribunal for Rwanda determines that justice so requires.

Article 7

Territorial and temporal jurisdiction

The territorial jurisdiction of the International Tribunal for Rwanda shall extend to the territory of Rwanda including its land surface and airspace as well as to the territory of neighbouring States in respect of serious violations of international humanitarian law committed by Rwandan citizens. The temporal jurisdiction of the International Tribunal for Rwanda shall extend to a period beginning on 1 January 1994 and ending on 31 December 1994.

Article 8

Concurrent jurisdiction

1. The International Tribunal for Rwanda and national courts shall have concurrent jurisdiction to prosecute persons for serious violations of international humanitarian law committed in the territory of Rwanda and Rwandan citizens for such violations committed in the territory of neighbouring States, between 1 January 1994 and 31 December 1994.

2. The International Tribunal for Rwanda shall have primacy over the national courts of all States. At any stage of the procedure, the International Tribunal for Rwanda may formally request national courts to defer to its competence in accordance with the present Statute and the Rules of Procedure and Evidence of the International Tribunal for Rwanda.

Article 9

Non bis in idem

1. No person shall be tried before a national court for acts constituting serious violations of international humanitarian law under the present Statute, for which he or she has already been tried by the International Tribunal for Rwanda.

2. A person who has been tried by a national court for acts constituting serious violations of international humanitarian law may be subsequently tried by the International Tribunal for Rwanda only if:

(*a*) The act for which he or she was tried was characterized as an ordinary crime; or

(*b*) The national court proceedings were not impartial or independent, were designed to shield the accused from international criminal responsibility, or the case was not diligently prosecuted.

3. In considering the penalty to be imposed on a person convicted of a crime under the present Statute, the International Tribunal for Rwanda shall take into account the extent to which any penalty imposed by a national court on the same person for the same act has already been served.

Article 10

ORGANIZATION OF THE INTERNATIONAL TRIBUNAL FOR RWANDA

The International Tribunal for Rwanda shall consist of the following organs:

(*a*) The Chambers, comprising two Trial Chambers and an Appeals Chamber;

(*b*) The Prosecutor; and

(*c*) A Registry.

Article 11

COMPOSITION OF THE CHAMBERS

The Chambers shall be composed of eleven independent judges, no two of whom may be nationals of the same State, who shall serve as follows:

(a) Three judges shall serve in each of the Trial Chambers;

(b) Five judges shall serve in the Appeals Chamber.

Article 12

QUALIFICATION AND ELECTION OF JUDGES

1. The judges shall be persons of high moral character, impartiality and integrity who possess the qualifications required in their respective countries for appointment to the highest judicial offices. In the overall composition of the Chambers due account shall be taken of the experience of the judges in criminal law, international law, including international humanitarian law and human rights law.

2. The members of the Appeals Chamber of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Law Committed in the Territory of the Former Yugoslavia since 1991 (hereinafter referred to as 'the International Tribunal for the Former Yugoslavia") shall also serve as the members of the Appeals Chamber of the International Tribunal for Rwanda.

3. The judges of the Trial Chambers of the International Tribunal for Rwanda shall be elected by the General Assembly from a list submitted by the Security Council, in the following manner:

(*a*) The Secretary-General shall invite nominations for judges of the Trial Chambers from States Members of the United Nations and non-member States maintaining permanent observer missions at United Nations Headquarters;

(*b*) Within thirty days of the date of the invitation of the Secretary-General, each State may nominate up to two candidates meeting the qualifications set out in paragraph 1 above, no two of whom shall be of the same nationality and neither of whom shall be of the same nationality as any judge on the Appeals Chamber;

(*c*) The Secretary-General shall forward the nominations received to the Security Council. From the nominations received the Security Council shall establish a list of not less than twelve and not more than eighteen candidates, taking due account of adequate representation on the International Tribunal for Rwanda of the principal legal systems of the world;

(*d*) The President of the Security Council shall transmit the list of candidates to the President of the General Assembly. From that list the General Assembly shall elect the six judges of the Trial Chambers. The candidates who receive an absolute majority of the votes of the States Members of the United Nations and of the non-

member States maintaining permanent observer mission at United Nations Headquarters, shall be declared elected. Should two candidates of the same nationality obtain the required majority vote, the one who received the higher number of votes shall be considered elected.

4. In the event of a vacancy in the Trial Chambers, after consultation with the Presidents of the Security Council and of the General Assembly, the Secretary-General shall appoint a person meeting the qualifications of paragraph 1 above, for the remainder of the term of office concerned.

5. The judges of the Trial Chambers shall be elected for a term of four years. The terms and conditions of service shall be those of the judges of the International Tribunal for the Former Yugoslavia. They shall be eligible for re-election.

Article 13

Officers and members of the Chambers

1. The judges of the International Tribunal for Rwanda shall elect a President.

2. After consultation with the judges of the International Tribunal for Rwanda, the President shall assign the judges to the Trial Chambers. A judge shall serve only in the Chamber to which he or she was assigned.

3. The judges of each Trial Chambers shall elect a Presiding Judge, who shall conduct all of the proceedings of the Trial Chambers as a whole.

Article 14

Rules of procedure and evidence

The judges of the International Tribunal for Rwanda shall adopt, for the purpose of proceedings before the International Tribunal for Rwanda, the rules of procedure and evidence for the conduct of the pre-trial phase of the proceedings, trials and appeals, the admission of evidence, the protection of victims and witnesses and other appropriate matters of the International Tribunal for the Former Yugoslavia with such changes as they deem necessary.

Article 15

The Prosecutor

1. The Prosecutor shall be responsible for the investigation and prosecution of persons responsible for serious violations of international humanitarian law committed in the territory of Rwanda and Rwandan citizens responsible for such violations committed in he territory of neighbouring States, between 1 January 1994 and 31 December 1994.

2. The Prosecutor shall act independently as a separate organ of the International Tribunal for Rwanda. He or she shall not seek or receive instructions from any Government or from any other source.

3. The Prosecutor of the International Tribunal for the Former Yugoslavia shall also serve as the Prosecutor of the International Tribunal for Rwanda. He or she shall have additional staff, including an additional Deputy Prosecutor, to assist with prosecutions before the International Tribunal for Rwanda. Such staff shall be appointed by the Secretary-General on the recommendation of the Prosecutor.

Article 16

THE REGISTRY

1. The Registry shall be responsible for the administration and servicing of the International Tribunal for Rwanda.

2. The Registry shall consist of a Registrar and such other staff as may be required.

3. The Registrar shall be appointed by the Secretary-General after consultation with the President of the International Tribunal for Rwanda. He or she shall serve for a four-year term and be eligible for reappointment. The terms and conditions of service of the Registrar shall be those of an Assistant Secretary-General of the United Nations.

4. The staff of the Registry shall be appointed by the Secretary-General on the recommendation of the Registrar.

Article 17

INVESTIGATION AND PREPARATION OF INDICTMENT

1. The Prosecutor shall initiate investigations ex-officio or on the basis of information obtained from any source, particularly from Governments, United Nations organs, intergovernmental and non-governmental organizations. The Prosecutor shall assess the information received or obtained and decide whether there is sufficient basis to proceed.

2. The Prosecutor shall have the power to question suspects, victims and witnesses, to collect evidence and to conduct on-site investigations. In carrying out these tasks, the Prosecutor may, as appropriate, seek the assistance of the State authorities concerned.

3. If questioned, the suspect shall be entitled to be assisted by counsel of his or her own choice, including the right to have legal assistance assigned to the suspect without payment by him or her in any such case if he or she does not have sufficient means to pay for it, as well as to necessary translation into and from a language he or she speaks and understands.

4. Upon a determination that a prima facie case exists, the Prosecutor shall prepare an indictment containing a concise statement of the facts and the crime or crimes with which the accused is charged under the Statute. The indictment shall be transmitted to a judge of the Trial Chamber.

Article 18

REVIEW OF THE INDICTMENT

1. The judge of the Trial Chamber to whom the indictment has been transmitted shall review it. If satisfied that a prima facie case has been established by the Prosecutor, he or she shall confirm the indictment. If not so satisfied, the indictment shall be dismissed.

2. Upon confirmation of an indictment, the judge may, at the request of the Prosecutor, issue such orders and warrants for the arrest, detention, surrender or transfer of persons, and any other orders as may be required for the conduct of the trial.

Article 19

COMMENCEMENT AND CONDUCT OF TRIAL PROCEEDINGS

1. The Trial Chambers shall ensure that a trial is fair and expeditious and that proceedings are conducted in accordance with the rules of procedure and evidence, with full respect for the rights of the accused and due regard for the protection of victims and witnesses.

2. A person against whom an indictment has been confirmed shall, pursuant to an order or arrest warrant of the International Tribunal for Rwanda, be taken into custody, immediately informed of the charges against him or her and transferred to the International Tribunal for Rwanda.

3. The Trial Chamber shall read the indictment, satisfy itself that the rights of the accused are respected, confirm that the accused understands the indictment, and instruct the accused to enter a plea. The Trial Chamber shall then set the date for trial.

4. The hearings shall be public unless the Trial Chamber decides to close the proceedings in accordance with its rules of procedure and evidence.

Article 20

RIGHTS OF THE ACCUSED

1. All persons shall be equal before the International Tribunal for Rwanda.

2. In the determination of chares against him or her, the accused shall be entitled to a fair and public hearing, subject to article 21 of the Statute.

3. The accused shall be presumed innocent until proved guilty according to the provisions of the present Statute.

4. In the determination of any charge against the accused pursuant to the present Statue, the accused shall be entitled to the following minimum guarantees, in full equality:

(*a*) To be informed promptly and in detail in a language which he or she understands of the nature and cause of the charge against him or her;

(*b*) To have adequate time and facilities for the preparation of his or her defence and to communicate with counsel of his or her own choosing;

(*c*) To be tried without undue delay;

(*d*) To be tried in his or her presence, and to defend himself or herself in person or through legal assistance of his or her own choosing; to be informed, if he or she does not have legal assistance, of this right; and to have legal assistance assigned to him or her, in any case where the interests of justice so require, and without payment by him or her in any such case if he or she does not have sufficient means to pay for it;

(*e*) To examine, or have examined, the witnesses against him or her and to obtain the attendance and examination of witnesses on his or her behalf under the same conditions as witnesses against him or her;

(*f*) To have the free assistance of an interpreter if he or she cannot understand or speak the language used in the International Tribunal for Rwanda;

(*g*) Not to be compelled to testify against himself or herself or to confess guilt.

Article 21

PROTECTION OF VICTIMS AND WITNESSES

The International Tribunal for Rwanda shall provide in its rules of procedure and evidence for the protection of victims and witnesses. Such protection measures shall include, but shall not be limited to, the conduct of in camera proceedings and the protection of the victim's identity.

Article 22

JUDGEMENT

1. The Trial Chambers shall pronounce judgements and impose sentences and penalties on persons convicted of serious violations of international humanitarian law.

2. The judgement shall be rendered by a majority of the judges of the Trial Chamber, and shall be delivered by the Trial Chamber in public. It shall be accompanied by a reasoned opinion in writing, to which separate or dissenting opinions may be appended.

Article 23

PENALTIES

1. The penalty imposed by the Trial Chamber shall be limited to imprisonment. In determining the terms of imprisonment, the Trial Chambers shall have recourse to the general practice regarding prison sentences in the courts of Rwanda.

2. In imposing the sentences, the Trial Chambers should take into account such factors as the gravity of the offence and the individual circumstances of the convicted person.

3. In addition to imprisonment, the Trial Chambers may order the return of any property and proceeds acquired by criminal conduct, including by means of duress, to their rightful owners.

Article 24

APPELLATE PROCEEDINGS

1. The Appeals Chamber shall hear appeals from persons convicted by the Trial Chambers or from the Prosecutor on the following grounds:

(*a*) An error on a question of law invalidating the decision; or

(*b*) An error of fact which has occasioned a miscarriage of justice.

2. The Appeals Chamber may affirm, reverse or revise the decisions taken by the Trial Chambers.

Article 25

REVIEW PROCEEDINGS

Where a new fact has been discovered which was not known at the time of the proceedings before the Trial Chambers or the Appeals Chamber and which could have been a decisive factor in reaching the decision, the convicted person or the Prosecutor may submit to the International Tribunal for Rwanda an application for review of the judgement.

Article 26

ENFORCEMENT OF SENTENCES

Imprisonment shall be served in Rwanda or any of the States on a list of States which have indicated to the Security Council their willingness to accept convicted persons, as designated by the International Tribunal for Rwanda. Such imprisonment shall be in accordance with the applicable law of the State concerned, subject to the supervision of the International Tribunal for Rwanda.

Article 27

PARDON OR COMMUTATION OF SENTENCES

If, pursuant to the applicable law of the State in which the convicted person is imprisoned, he or she is eligible for pardon or commutation of sentence, the State concerned shall notify the International Tribunal for Rwanda accordingly. There shall only be pardon or commutation of sentence if the President of the International Tribunal for Rwanda, in consultation with the judges, so decides on the basis of the interests of justice and the general principles of law.

Article 28

COOPERATION AND JUDICIAL ASSISTANCE

1. States shall cooperate with the International Tribunal for Rwanda in the investigation and prosecution of persons accused of committing serious violations of international humanitarian law.

2. States shall comply without undue delay with any request for assistance or an order issued by a Trial Chamber, including, but not limited to:

(*a*) The identification and location of persons;

(*b*) The taking of testimony and the production of evidence;

(*c*) The service of documents;

(*d*) The arrest or detention of persons;

(*e*) The surrender or the transfer of the accused to the International Tribunal for Rwanda.

Article 29

THE STATUS, PRIVILEGES AND IMMUNITIES OF THE INTERNATIONAL TRIBUNAL FOR RWANDA

1. The Convention on the Privileges and Immunities of the United Nations of 13 February 1946 shall apply to the International Tribunal for Rwanda, the judges, the Prosecutor and his or her staff, and the Registrar and his or her staff.

2. The judges, the Prosecutor and the Registrar shall enjoy the privileges and immunities, exemptions and facilities accorded to diplomatic envoys, in accordance with international law.

3. The staff of the Prosecutor and of the Registrar shall enjoy the privileges and immunities accorded to officials of the United Nations under articles V and VII of the Convention referred to in paragraph 1 of this article.

4. Other persons, including the accused, required at the seat or meeting place of the International Tribunal for Rwanda shall be accorded such treatment as is necessary for the proper functioning of the International Tribunal for Rwanda.

Article 30

EXPENSES OF THE INTERNATIONAL TRIBUNAL FOR RWANDA

The expenses of the International Tribunal for Rwanda shall be expenses of the Organization in accordance with article 17 of the Charter of the United Nations.

Article 31

WORKING LANGUAGES

The working languages of the International Tribunal shall be English and French.

Article 32

ANNUAL REPORT

The President of the International Tribunal for Rwanda shall submit an annual report of the International Tribunal for Rwanda to the Security Council and to the General Assembly.

(*g*) Report of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991

The General Assembly, by its decision 49/410, adopted without reference to a Main Committee, took note of the first annual report of the International Tribunal.[183]

(*h*) New international humanitarian order

The General Assembly, by its resolution 49/170 of 23 December 1994,[184] adopted on the recommendation of the Third Committee,[185] taking note of the report of the Secretary-General[186] and the previous reports[187] containing the comments and views of Governments, specialized agencies and non-governmental organizations, expressed

its appreciation to the Secretary-General for his continuing support for the efforts to promote a new international humanitarian order; and urged Governments and governmental and non-governmental organizations that had not yet done so to provide their comments and views to the Secretary-General on the issue.

4. LAW OF THE SEA

Status of the United Nations Convention on the Law of the Sea (1982)[188]

On 16 November 1994, the United Nations Convention on the Law of the Sea entered into force. By that date, 68 States had established their consent to be bound by the Convention, and by 31 December 1994, 70 States had done so.

Before its entry into force, the General Assembly adopted on 18 July 1994 a separate Agreement, relating to the implementation of Part XI and related annexes to the Convention.

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

In 1994, the Preparatory commission concluded its substantive work after 12 years of deliberation.[190] During the concluding twelfth session, in 1994, there were 10 formal meetings of the plenary, in addition to a number of meetings of the subsidiary organs. In accordance with the decision of the Preparatory Commission, the Group of Technical Experts held two sessions, and the Training Panel held nine meetings.

Following the established practice, a number of working papers and background papers were presented by the Secretariat to the Commission and its subsidiary organs. These papers dealt, *inter alia*, with: the status of implementation of the registered pioneer investors' obligations under resolution II and the related understandings; rules of the international Tribunal for the Law of the Sea; cooperation and relationship between the United Nations and the Tribunal; initial financing and budget of the Tribunal; rules of procedure for the first meeting of States Parties to the Convention for the establishment of the Tribunal; and budgets for the first financial period of the Authority and of the Tribunal.[191]

Consideration by the General Assembly

By its resolution 49/28 of December 1994,[192] the General Assembly expressed its satisfaction at the establishment of the International Seabed Authority; welcomed the first meeting of States parties to the Convention concerning the establishment of the International Tribunal for the Law of the Sea; expressed its satisfaction also at the progress being made in the establishment of the International Tribunal for the Law of the Sea and the Commission on the Limits of the Continental Shelf; called upon States to harmonize their national legislation with the provisions of the Convention and to ensure consistent application of those provisions; decided to undertake an annual review and evaluation of the implementation of the Convention and other developments relating to ocean affairs and the law of the sea; requested the Secretary-General to continue to carry out the responsibilities entrusted to him upon the adoption of the Convention[193] and to fulfil the functions consequent upon the entry into force of the Convention; also requested the Secretary-General to make the necessary arrangements

within the integrated programme for administering and supporting the conciliation and arbitration procedures for the resolution of disputes, as required of him under the Convention; and further requested the Secretary-General to prepare a comprehensive report on the impact of entry into force of the Convention on related existing or proposed instruments and programmes throughout the United Nations system, and to submit the report to the Assembly at its fifty-first session.

5. INTERNATIONAL COURT OF JUSTICE[194] [195]

Cases before the Court [196]

A. Contentious cases before the full Court

---

1. *Aerial Incident of 3 July 1988 (Islamic Republic of Iran v. United States of America)*

The public sittings to hear the oral arguments of the Parties, scheduled to open on 12 September 1994, were postponed *sine die* at the request of the Parties.

---

2. *Territorial Dispute (Libyan Arab Jamahiriya/Chad)*

At a public sitting held on 3 February 1994, the Court delivered its Judgment[197], a summary of which is given below, followed by the text of the operative paragraph.

I. *Review of the proceedings and statement of claims* (paras, 1-21)

The Court outlined the successive stages of the proceedings as from the time the case had been brought before it (paras. 1-16) and set out the submissions of the Parties (paras. 17-21). It recalled that the proceedings had been instituted by two successive notifications of the Special Agreement constituted by the 1989 "Framework Agreement [Accord-Cadre] on the Peaceful Settlement of the Territorial Dispute between the Great Socialist People's Libyan Arab Jamahiriya and the Republic of Chad" — the notification filed by Libya on 31 August 1990 and the communication from Chad filed on 3 September 1990, read in conjunction with the letter from the Agent of Chad of 20 September 1990.

In the light of the Parties' communications to the Court, and their submissions, the Court observed that Libya proceeded on the basis that there was no existing boundary, and asked the Court to determine one, while Chad proceeded on the basis that there was an existing boundary, and asked the Court to declare what that boundary was. Libya considered that the case concerned a dispute regarding attribution of territory, while in Chad's view it concerned a dispute over the location of a boundary.

The Court then referred to the lines claimed by Chad and by Libya, as illustrated in the attached sketch-map No. 1 (see below); Libya's claim was on the basis of a coalescence of rights and titles of the indigenous inhabitants, the Senoussi Order, the Ottomn Empire, Italy and Libya itself; and that of Chad was on the basis of

a Treaty of Friendship and Good Neighbourliness concluded by France and Libya on 10 August 1955, or, alternatively, on French *effectivites*, either in relation to, independly of, the provisions of earlier treaties.

II. *The 1955 Treaty of Friendship and Good -Neighbourliness between France and Libya* (paras. 23-56)

Having drawn attention to the long and complex historical background to the dispute and having enumerated a number of conventional instruments reflecting that history and which appeared to be relevant, the Court observed that it was recognized by both Parties that the 1955 Treaty of Friendship and Good-Neighbourliness between France and Libya was the logical starting point for consideration of the issues before the Court. Neither Party questioned the validity of the 1955 Treaty, nor did Libya question Chad's right to invoke against Libya any such provisions thereof as related to the frontiers of Chad. The 1955 Treaty, a complex treaty, comprised, in addition to the Treaty itself, four appended Conventions and eight annexes; it dealt with a broad range of issues concerning the future relationship between the two parties. It was provided by article 9 of the Treaty that the Conventions and Annexes appended to it formed an integral part of the Treaty. One of the matters specifically addressed was the question of frontiers, dealt with in article 3 and annex I.

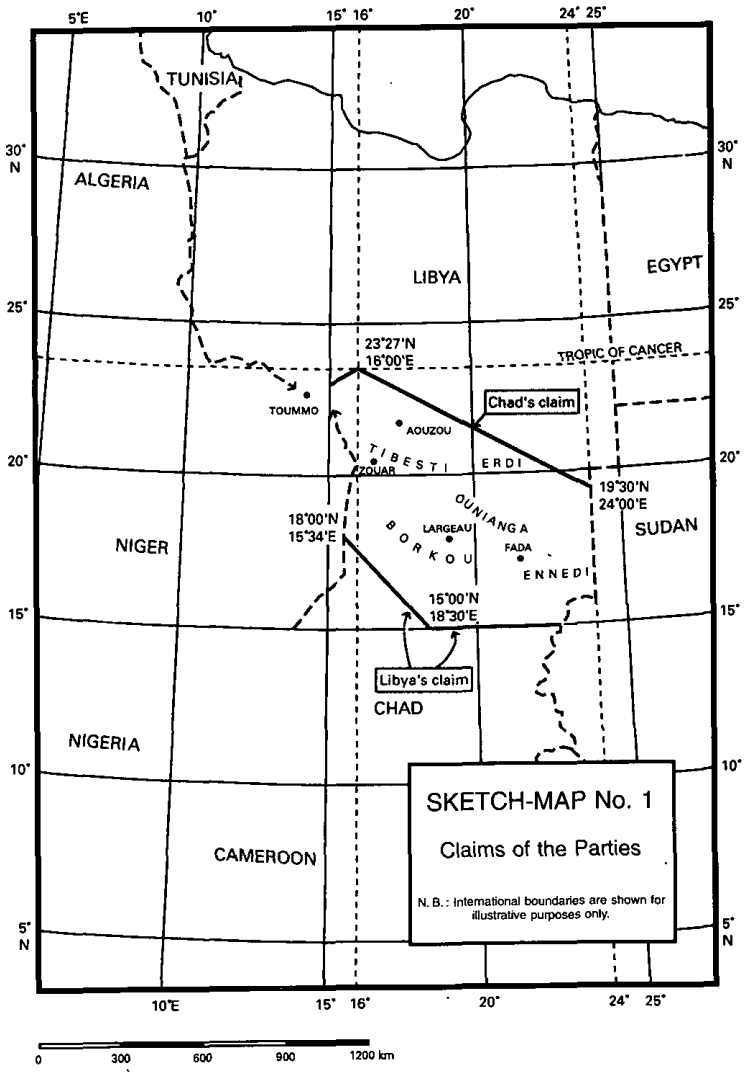
The Court then examined article 3 of the 1955 Treaty, together with the annex to which that article referred, in order to decide whether or not that Treaty resulted in a conventional boundary between the territories of the Parties. It observed that if the 1955 Treaty did result in a boundary, this furnished the answer to the issues raised by the Parties: it would be a response at one and the same time to the Libyan request to determine the limits of the respective territories of the Parties and to the request of Chad to determine the course of the frontier.

Article 3 of the Treaty began as follows:

> "The two High Contracting Parties recognize that the frontiers between the territories of Tunisia, Algeria, French West Africa and French Equatorial Africa on the one hand, and the territory of Libya on the other, are those that result from the international instruments in force on the date of the constitution of the United Kingdom of Libya as listed in the attached Exchange of Letters (Ann. I)."

Annex I to the Treaty comprised an exchange of letters which, after quoting Article 3, began as follows:

> "The reference is to [*II s'agit de*] the following texts:
>
> — the Franco-British Convention of 14 June 1898;
>
> — the Declaration completing the same, of 21 March 1899;
>
> — the Franco-Italian Agreements of 1 November 1902;
>
> — the Convention between the French Republic and the Sublime Porte, of 12 May 1910;
>
> — the Franco-British Convention of 8 September 1919;
>
> — the Franco-Italian Arrangement of 12 September 1919."


5°E
10°
15°
16°
20°
24°
25°
TUNISIA
ALGERIA
LIBYA
EGYPT
30° N
25°
20°
15°
10°
5° N
23°27'N
16°00'E
TROPIC OF CANCER
Chad's claim
TOUMMO
AOUZOU
TIBESTI
ERDI
ZOUAR
19°30'N
24°00'E
OUNIANGA
BORKOU
LARGEAU
FADA
ENNEDI
SUDAN
NIGER
18°00'N
15°34'E
15°00'N
18°30'E
Libya's claim
CHAD
NIGERIA
CAMEROON
SKETCH-MAP No. 1
Claims of the Parties
N. B.: International boundaries are shown for illustrative purposes only.
10°E
0
300
600
900
1200 km

The Court recalled that, in accordance with the rules of general international law, reflected in article 31 of the 1969 Vienna Convention on the Law of Treaties, a treaty had to be interpreted in good faith in accordance with the ordinary meaning to be given to its terms in their context and in the light of its object and purpose. Interpretation had to be based above all upon the text of the treaty. As a supplementary measure recourse might be had to means of interpretation such as the preparatory work of the treaty and the circumstances of its conclusion.

According to article 3 of the 1955 Treaty, the parties "recognize [*reconnaissent*] that the frontiers … are those that result" from certain international instruments. The word "recognize" used in the Treaty indicates that a legal obligation is undertaken. To recognize a frontier is essentially to "accept" that frontier, that is, to draw legal consequences from its existence, to respect it and to renounce the right to contest it in future.

In the view of the Court, the terms of the Treaty signified that the parties thereby recognized complete frontiers between their respective territories as resulting from the combined effect of all the instruments listed in annex I; no relevant frontier was to be left undefined and no instrument listed in Annex I was superfluous. It would be incompatible with a recognition couched in such terms to contend, as Libya had done, that only some of the specified instruments contributed to the definition of the frontier, or that a particular frontier remained unsettled. So to contend would be to deprive article 3 of the Treaty, and annex I, of their ordinary meaning. By entering into the Treaty, the parties recognized the frontiers to which the text of the Treaty referred; the task of the Court was thus to determine the exact content of the undertaking entered into.

The fixing of a frontier depended on the will of the sovereign States directly concerned. There was nothing to prevent the parties from deciding by mutual agreement to consider a certain line as a frontier, whatever the previous status of that line. If it was already a territorial boundary, it was confirmed purely and simply. If it was not previously a territorial boundary, the agreement of the parties to "recognize" it as such invested it with a legal force which it had previously lacked. International conventions and case-law evidenced a variety of ways in which such recognition could be expressed. The fact that article 3 of the Treaty specified that the frontiers recognized were "those that result from the international instruments" defined in annex I meant that all of the frontiers resulted from those instruments. Any other construction would be contrary to the actual terms of article 3 and would render completely ineffective the reference to one or other of those instruments in annex I. Article 3 of the 1955 Treaty referred to the international instruments "*en vigueur*" (in force) on the date of the constitution of the United Kingdom of Libya, "*tels qu'ils sont definis*" (as listed) in the attached exchange of letters; Libya contended that the instruments mentioned in Annex I and relied on by Chad were no longer in force at the relevant date. The Court was unable to accept those contentions. Article 3 did not refer merely to the international instrument "*en vigueur*" on that date "*tels qu'ils sont definis*" (as listed) in annex I. To draw up a list of governing instruments while leaving to subsequent scrutiny the question whether they were in force would have been pointless. It was clear to the Court that the parties had agreed to consider the instruments listed as being in force for the purposes of article 3, since otherwise they would not have referred to them in the annex. The text of article 3 clearly conveyed the intention of the parties to reach a definitive settlement of the question of their common frontiers. Article 3 and annex I were intended to define frontiers by refer-

ence to legal instruments which would yield the course of such frontiers. Any other construction would have been contrary to one of the fundamental principles of interpretation of treaties, consistently upheld by international jurisprudence, namely that of effectiveness.

The object and purpose of the Treaty as stated in the preamble confirmed the interpretation of the Treaty given above, inasmuch as that object and purpose led naturally to the definition of the territory of Libya, and thus the definition of its boundaries.

The conclusions which the Court had reached were further reinforced by an examination of the context of the Treaty, and, in particular, of the Convention of Good-Neighbourliness between France and Libya, concluded between the Parties at the same time as the Treaty, as well as by the *travaux preparatoires*.

III. *The frontier line* (paras. 57-65)

Having concluded that the contracting parties wished, by the 1955 Treaty, and particularly by its article 3, to define their common frontier, the Court examined what was the frontier between Libya and Chad which resulted from the international instruments listed in annex I.

(*a*) To the east of the line of 16 longitude (paras 58-50)

The Franco-British Declaration of 1899, which complemented the Convention of 1898, defined a line limiting the French zone (or sphere of influence) to the north-east in the direction of Egypt and the Nile Valley, already under British control. It provided in paragraph 3 as follows:

> "It is understood, in principle, that to the north of the 15th parallel the French zone shall be limited to the north-east and east by a line which shall start from the point of intersection of the Tropic of Cancer with the 16th degree of longitude east of Greenwich (13º 40' east of Paris), shall run thence to the south-east until it meets the 24th degree of longitude east of Greenwich (21º 40' east of Paris), and shall then follow the 24th degree until it meets, to the north of the 15th parallel of latitude, the frontier of Darfur as it shall eventually be fixed."

Different interpretations of this text were possible, since the point of intersection of the line with the 24th degree of longitude east was not specified, and the original text of the Declaration was not accompanied by a map showing the course of the line agreed. However, a few days after the adoption of that Declaration, the French authorities published its text in a *Livre jaune* including a map. That map showed the line as running not directly south-east, but rather in an east-south-east direction, so as to terminate at approximately the intersection of the 24º meridian east with the parallel 19º of latitude north.

For the purposes of the judgement, the question of the position of the limit of the French zone might be regarded as resolved by the Convention of 8 September 1919 signed at Paris between Great Britain and France, supplementary to the 1899 Declaration.

Its concluding paragraph provided:

> "It is understood that nothing in the Convention prejudices the interpretation of the Declaration of 21 March, 1899, according to which the words in article 3 '… shall run thence to the south-east until it meets the 24th degree of longitude east of Greenwich (21º 40' east of Paris)' are accepted as meaning

'… shall run thence in a south-easterly direction until it meets the 24th degree of longitude east of Greenwich at the intersection of that degree of longitude with parallel 19º 30' degrees of latitude'."

The 1919 Convention presented this line as an interpretation of the Declaration of 1899; in the view of the Court, for the purposes of the judgement, there was no reason to categorize it either as a confirmation or as a modification of the Declaration. Inasmuch as the two States parties to the Convention were those that concluded the Declaration of 1899, there could be no doubt that the "interpretation" in question constituted, from 1919 onwards, and as between them, the correct and binding interpretation of the Declaration of 1899. It was opposable to Libya by virtue of the 1955 Treaty. For those reasons, the Court concluded that the line described in the 1919 Convention represented the frontier between Chad and Libya to the east of the line of 16º longitude.

(*b*) To the west of the line of 16º longitude (paras. 61-62)

The Franco-Italian Agreements (Exchange of Letters) of 1 November 1902 stated that:

"the limit to French expansion in North Africa, as referred to in the above mentioned letter . . . dated 14 December 1900, is to be taken as corresponding to the frontier of Tripolitania as shown on the map annexed to the Declaration of 21 March 1899".

The map referred to could only have been the map in the *Livre jaune*, which showed a pecked line indicating the frontier of Tripolitania. That line had therefore to be examined by the Court.

(*c*) The complete line (paras. 63-65)

It was clear that the eastern end-point of the frontier would lie on the meridian 24º east, which was at that point the boundary of the Sudan. To the west, the Court was not asked to determine the tripoint Libya-Niger-Chad; Chad in its submissions merely asked the Court to declare the course of the frontier "as far as the fifteenth degree east of Greenwich". In any event the Court's decision in this respect, as in the *Frontier Dispute* case, would "not be opposable to Niger as regards the course of that country's frontiers". [198]

Between 24º and 16º east of Greenwich, the line was determined by the Anglo-French Convention of 8 September 1919: i.e., the boundary was a straight line from the point of intersection of the meridian 24º east with the parallel 19º 30' north to the point of intersection of the meridian 16 east with the Tropic of Cancer. From the latter point, the line was determined by the Franco-Italian exchange of letters of 1 November 1902, by reference to the *Livre jaune* map: i.e., this line, as shown on that map, ran towards a point immediately to the south of Toummo; before it reached that point, however, to crossed the meridian 15º east, at some point on which from 1930 onwards, had been situated the commencement of the boundary between French West Africa and French Equatorial Africa. This line was confirmed by references in the Particular Convention annexed to the 1955 Treaty to a place called Muri Idie.

Chad, which in its submissions asked the Court to define the frontier as far west as the 15º meridian, had not defined the point at which in its contention the frontier intersected that meridian. Nor had the Parties indicated to the Court the exact coordinates of Toummo in Libya. However, on the basis of the information available, and in particular the maps produced by the Parties, the Court had come to

the conclusion that the line of the *Live jaune* map crossed the 15º meridian east at the point of intersection of that meridian with the parallel 23º of north latitude. In that sector, the frontier was thus constituted by a straight line from the latter point to the point of intersection of the meridian 16º east with the Tropic of Cancer.

IV. *Subsequent attitudes of the Parties* (paras. 66-71)

Having concluded that a frontier resulted from the 1955 Treaty, and having established where that frontier lay, the Court considered the subsequent attitudes of the Parties to the question of frontiers. It found that no subsequent agreement, either between France and Libya, or between Chad and Libya, had called in question the frontier in that region deriving from the 1955 Treaty. On the contrary, if one considered treaties subsequent to the entry into force of the 1955 Treaty, there was support for the proposition that after 1955, the existence of a determined frontier had been accepted and acted upon by the Parties.

The Court then examined the attitudes of the Parties, subsequent to the 1955 Treaty, on occasions when matters pertinent to the frontiers had come up before international forums and noted the consistency of Chad's conduct in relation to the location of its boundary.

V. *Permanent boundary established* (paras. 72-73)

The Court finally stated that, in its view, the 1955 Treaty, notwithstanding the provisions in article 11 to the effect that "the present Treaty is concluded for a period of 20 years", and for unilateral termination of the Treaty, had to be taken to have determined a permanent frontier. There was nothing in the 1955 Treaty to indicate that the boundary agreed was to be provisional or temporary; on the contrary it bore all the hallmarks of finality. The establishment of that boundary was a fact which, from the outset, had had a legal life of its own, independently of the fate of the 1955 Treaty. Once agreed, the boundary stood, for any other approach would have vitiated the fundamental principle of the stability of boundaries. A boundary established by treaty thus achieved a permanence which the treaty itself did not necessarily enjoy. When a boundary had been the subject of agreement, the continued existence of that boundary had been the subject of agreement, the continued existence of that boundary was not dependent upon the continuing life of the treaty under which the boundary had been agreed.

Operative paragraph (para. 77)

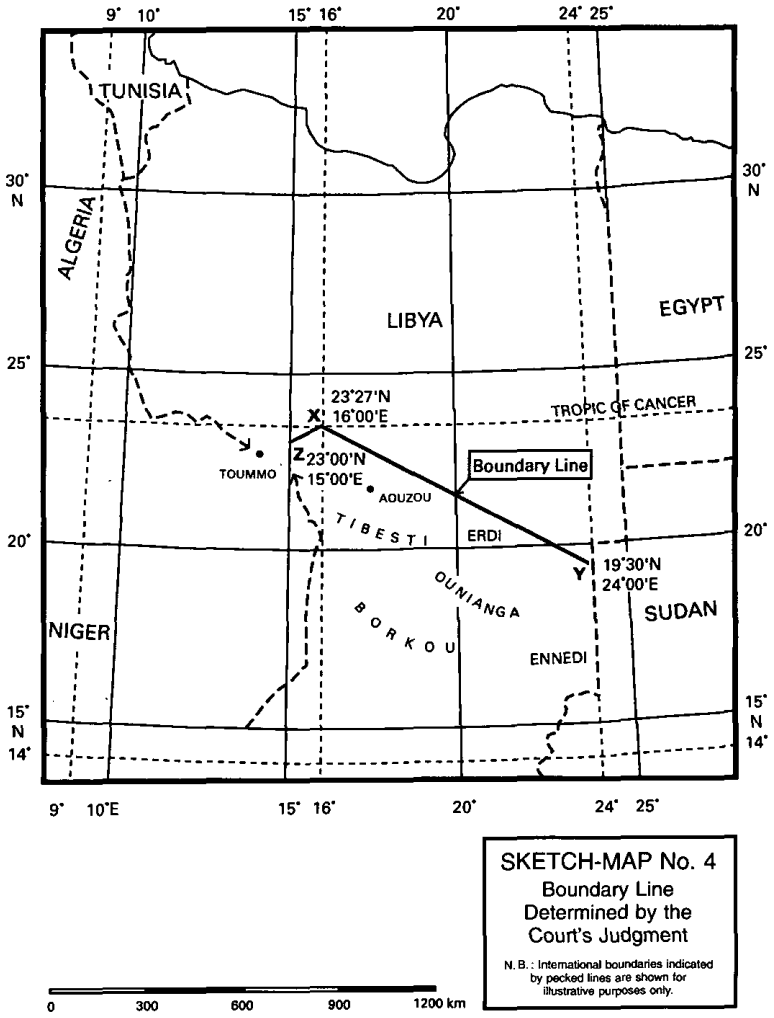
"THE COURT,

"By 16 votes to 1,

"(1) *Finds* that the boundary between the Great Socialist People's Libyan Arab Jamahiriya and the Republic of Chad is defined by the Treaty of Friendship and Good Neighbourliness concluded on 10 August 1955 between the French Republic and the United Kingdom of Libya;

"(2) *Finds* that the course of that boundary is as follows:

"From the point of intersection of the 24th meridian east with the parallel 19º 30' of latitude north, a straight line to the point of intersection of the Tropic of Cancer with the 16th meridian east; and from that point a straight line to the point of intersection of the 15th meridian east and the parallel 23º


9° 10°
15° 16°
20°
24° 25°
TUNISIA
30° N
ALGERIA
LIBYA
EGYPT
25°
23°27'N
16°00'E
X
TROPIC OF CANCER
Z
23°00'N
15°00'E
TOUMMO
AOUZOU
Boundary Line
TIBESTI
ERDI
20°
19°30'N
24°00'E
Y
OUNIANGA
BORKOU
SUDAN
NIGER
ENNEDI
15° N
14°
9° 10°E
0 300 600 900 1200 km
SKETCH-MAP No. 4
Boundary Line
Determined by the
Court's Judgment
N. B. : International boundaries indicated by pecked lines are shown for illustrative purposes only.

of latitude north; these lines are indicated, for the purpose of illustration, on sketch-map No. 4 on page 39 of this Judgment [See above.]

IN FAVOUR: *President* Sir Robert Jennings; *Vice-President* Oda; *Judges* Ago, Schwebel, Bedjaouni, Ni, Evenen, Tarassov, Guillaume, Shahabuddeen, Aguilar Mawdsley, Weeramantry, Ranjeva, Ajibola, herczegh; *Judge* ad hoc Abi-Saab;

AGAINST: *Judge* ad hoc Sette-Camara."

Judge Ago appended a declaration to the Judgement; [199] Judges Shahabuddeen and Ajibola appended separate opinions;[200] and Judge ad hoc Sette-Camara appended a dissenting opinion. [201]

---

3. *East Timor (Portugal v. Australia)*

Portugal chose Mr. Antonio de Arruda Ferrer-Correia and Australia Sir Ninian Stephen to sit as judges ad hoc. By letter received on 14 July 1994, Mr. Antonio de Arruda Ferrer-Correia resigned as a judge ad hoc.

---

4. *Maritime Delimitation between Guinea-Bissau and Senegal (Guinea-Bissau v. Senegal)*

After several exchange of letters regarding extended time limits, the President again convened the Agents of the Parties on 10 March 1994. At the meeting the Agents handed the President the text of an agreement entitled "Management and Cooperation Agreement between the Government of the Republic of Guinea-Bissau and the Government of the Republic of Senegal", done at Dakar on 14 October 1993 and signed by the two Heads of State. The Agreement, which provides, *inter alia*, for the joint exploitation, by the two Parties, of a "maritime zone situated between the 268º and 220º azimuths drawn from Cape Roxo" (art. 1), and the establishment of an "International Agency for the exploitation of the zone" (art. 4), will enter into force, according to the terms of its article 7,

> "upon conclusion of the agreement concerning the establishment and functioning of the International Agency with the exchange of the instruments of ratification of both agreements by both States".

In letters dated 16 March 1994, addressed to the Presidents of both States, the President of the Court expressed his satisfaction and informed them that the case would be removed from the list, in accordance with the terms of the Rules of Court, as soon as the Parties had notified him of their decision to discontinue the proceedings.

5. *Maritime Delimination and Territorial Questions between Qatar and Bahrain (Qatar v. Bahrain)*

Public sittings were held from 28 February to 11 March 1994. In the course of eight public sittings, the Court heard statements on behalf of Qatar and Bahrain. The Vice-President of the Court put questions to both the Parties.

At a public sitting held on 1 July 1994, the Court delivered a judgement, [202] a summary of which is given below, followed by the text of the operative paragraph.

I. *History of the case* (paras. 1-14)

In its judgement the Court recalled that on 8 July 1991 the Minister for Foreign Affairs of the State of Qatar had filed in the Registry of the Court an Application instituting proceedings against the State of Bahrain in respect of certain disputes between the two States relating to sovereignty over the Hawar islands, sovereign rights over the shoals of Dibal and Qit'at Jaradah, and the delimitation of the maritime areas of the two States.

The Court then recited the history of the case. It recalled that in its Application Qatar had founded the jurisdiction of the Court upon two agreements between the Parties stated to have been concluded in December 1987 and December 1990 respectively, the subject and scope of the commitment to jurisdiction being determined, according to the Applicant, by a formula proposed by Bahrain to Qatar on 26 October 1988 and accepted by Qatar in December 1990. Bahrain had contested the basis of jurisdiction invoke by Qatar.

The Court then referred to the different stages of the proceedings before it and to the submissions of the Parties.

II. *Summary of the circumstances in which a solution to the dispute between Bahrain and Qatar had been sought over the past two decades* (paras. 15-20)

Endeavours to find a solution to the dispute took place in the context of a mediation, sometimes referred to as "good offices", beginning in 1976, by the King of Saudi Arabia with the agreement of the Amirs of Bahrain and Qatar, which led, during a tripartite meeting in March 1983, to the approval of a set of "Principles for the Framework for Reaching a Settlement". The first of those principles specified that:

> "All issues of dispute between the two countries, relating to sovereignty over the islands, maritime boundaries and territorial waters, are to considered as complementary, indivisible issues, to be solved comprehensively together."

Subsequently, in 1987, the King of Saudi Arabia sent the Amirs of Qatar and Bahrain letters in identical terms, in which he put forward new proposals. The Saudi proposals which were adopted by the two Heads of State, included four points, the first of which was that:

> "All the disputed matters shall be referred to the International Court of Justice, at The Hague, for a final ruling binding upon both parties, who shall have to execute its terms."

The third provided for formation of a Tripartite Committee, composed of representatives of the States of Bahrain and Qatar and of the Kingdom of Saudi Arabia,

> "for the purpose of approaching the International Court of Justice, and satisfying the necessary requirements to have the dispute submitted to the Court in accordance with its regulations and instructions so that a final ruling, binding upon both parties, be issued."

Then, in 1988, following an initiative by Saudi Arabia, the Heir Apparent of Bahrain, when on a visit to Qatar, transmitted to the Heir Apparent of Qatar a text (subsequently known as the "Bahraini formula") which read as follows:

"*Question*

"The Parties request the Court to decide any matter of territorial right or other title or interest which may be a matter of difference between them; and to draw a single maritime boundary between their respective maritime areas of seabed, subsoil and superjacent waters."

The good offices of King Fahd did not lead to the desired outcome within the time limit thus fixed, and on 8 July 1991 Qatar instituted proceedings before the Court against Bahrain.

According to Qatar, the two States "have made express commitments in the Agreements of December 1987 . . . and December 1990 . . ., to refer their disputes to the . . . Court". Qatar therefore considered that the Court had been enabled "to exercise jurisdiction to adjudicate upon those disputes" and, as a consequence, upon the Application of Qatar.

Bahrain maintained on the contrary that the 1990 Minutes did not constitute a legally binding instrument. It went on to say that, in any event, the combined provisions of the 1987 exchanges of letters and of the 1990 Minutes were not such as to enable Qatar to seise the Court unilaterally and concluded that the Court lacked jurisdiction to deal with the Application of Qatar.

III. *The nature of the exchanges of letters of 1987 and of the 1990 Doha Minutes* (paras. 21-30)

The Court began by enquiring into the nature of the texts upon which Qatar relied before turning to an analysis of the content of those texts. It observed that the Parties agreed that the exchanges of letters of December 1987 constituted an international agreement with binding force in their mutual relations, but that Bahrain maintained that the Minutes of 25 December 1990 were no more than a simple record of negotiations, similar in nature to the Minutes of the Tripartite Committee; that accordingly they did not rank as an international agreement and could not, therefore, serve as a basis for the jurisdiction of the Court.

After examining the 1990 Minutes (see above) the Court observed that they were not a simple record of a meeting, similar to those drawn up within the framework of the Tripartite Committee; they did not merely give an account of discussions and summarize points of agreement and disagreement. They enumerated the commitments to which the Parties had consented. They thus created rights and obligations in international law for the Parties. They constituted an international agreement.

Bahrain maintained that the signatories to the 1990 Minutes never intended to conclude an agreement of that kind. The Court did not however find in necessary to consider what might have been, in that regard, the intentions of the Foreign Minister of Qatar. Nor did it accept Bahrain's contention that the subsequent conduct of the Parties showed that they had never considered the 1990 Minutes to be an agreement of this kind.

IV. *The content of the exchanges of letters of 1987 and of the 1990 Doha Minutes* (paras. 31-39)

Turning to an analysis of the content of these texts, and of the rights and obligations to which they gave rise, the Court first observed that, by the exchanges of letters of December 1987 (see above), Bahrain and Qatar had entered into an under-

taking to refer all the disputed matters to the Court and to determine, with the assistance of Saudi Arabia (in the Tripartite Committee), the way in which the Court was to be seised in accordance with the undertaking thus given.

The question of the determination of the "disputed matters" was only settled by the Minutes of December 1990. Those Minutes placed on record the fact that Qatar had finally accepted the Bahraini formula. Both Parties thus accepted that the Court, once seised, should decide "any matter of territorial right or other title or interest which may be a matter of difference between [the Parties]"; and should "draw a single maritime boundary between their respective maritime areas of seabed, subsoil and superjacent waters".

The formula thus adopted determined the limits of the dispute with which the Court would be asked to deal. It was devised to circumscribe that dispute, but, whatever the manner of seisin, it left open the possibility for each of the Parties to present its own claims to the Court, within the framework thus fixed. However, while the Bahraini formula permitted the presentation of distinct claims by each of the Parties, it nonetheless presupposed that the whole of the dispute would be submitted to the Court.

The Court noted that at present it had before it solely an Application by Qatar setting out the particular claims of that State within the framework of the Bahraini formula. Article 40 of the Court's Statute provided that when cases were brought before the Court "the subject of the dispute and the parties shall be indicated". In the instant case the identity of the parties presented no difficulty, but the subject of the dispute was another matter.

In the view of Bahrain the Qatar Application comprise only some of the elements of the subject matter intended to be comprised in the Bahraini formula and that had in effect been acknowledged by Qatar.

The Court consequently decided to afford the Parties the opportunity to ensure the submission to the Court of the whole of the dispute as it was comprehended within the 1990 Minutes and the Bahraini fromula, to which they had both agreed. The Parties might do so by a joint act or by separate acts; the result should in any case be that the Court had before it "any matter of territorial right or other title or interest which may be a matter of difference between" the Parties, and a request that it "draw a single maritime boundary between their respective maritime areas of seabed, subsoil and superjacent waters".

Operative paragraph (para. 41)

"THE COURT,

"(1) By 15 votes to 1,

"*Finds* that the exchanges of letters between the King of Saudi Arabia and the Amir of Qatar dated 19 and 21 December 1987, and between the King of Saudi Arabia and the Amir of Bahrain dated 19 and 26 December 1987, and the document headed 'Minutes' and signed at Doha on 25 December 1990 by the Ministers for Foreign Affairs of Bahrain, Qatar and Saudi Arabia, are international agreements creating rights and obligations for the Parties;

IN FAVOUR: *President* Bedjaoui; *Vice-President* Schwebel; *Judges* Sir Robert Jennings, Tarassov, Guillaume, Shahabuddeen, Aguilar Mawdsley, Weeramantry, Ranjeva, Herczegh, Shi, Fleischhauer, Koroma; *Judges* ad hoc Valticos, Ruda;

AGAINST: *Judge* Oda.

"(2) By 15 votes to 1,

"*Finds* that by the terms of those agreements the Parties have undertaken to submit to the Court the whole of the dispute between them, as circumscribed by the text proposed by Bahrain to Qatar on 26 October 1988, and accepted by Qatar in December 1990, referred to in the 1990 Doha Minutes as the 'Bahraini formula';

IN FAVOUR: *President* Bedjaoui; *Vice-President* Schwebel; *Judges* Sir Robert Jennings, Tarassov, Guillaume, Shahabuddeen, Aguilar Mawdsley, Weeramantry, Ranjeva, Herczegh, Shi, Fleischhauer, Koroma; *Judges* ad hoc Valticos, Ruda;

AGAINST: *Judge* Oda.

"(3) By 15 votes to 1,

"*Decides* to afford the Parties the opportunity to submit to the Court the whole of the dispute;

IN FAVOUR: *President* Bedjaoui; *Vice-President* Schwebel; *Judges* Sir Robert Jennings, Tarassov, Guillaume, Shahabuddeen, Aguilar Mawdsley, Weeramantry, Ranjeva, Herczegh, Shi, Fleischhauer, Koroma; Judges ad hoc Valticos, Ruda;

AGAINST: *Judge* Oda.

"(4) By 15 votes to 1,

"*Fixes* 30 November 1994 as the time limit within which the Parties, are jointly or separately, to take action this end;

IN FAVOUR: *President* Bedjaoui; *Vice-President* Schwebel; *Judges* Sir Robert Jennings, Tarassov, Guillaume, Shahabuddeen, Aguilar Mawdsley, Weeramantry, Ranjeva, Herczegh, Shi, Fleischhauer, Koroma; *Judges* ad hoc Valticos, Ruda;

AGAINST: *Judge* Oda.

"(5) By 15 votes to 1,

"Reserves any other matters for subsequent decision.

IN FAVOUR: *President* Bedjaoui; *Vice-President* Schwebel; *Judges* Sir Robert Jennings, Tarassov, Guillaume, Shahabuddeen, Aguilar Mawdsley, Weeramantry, Ranjeva, Herczegh, Shi, Fleischhauer, Koroma; *Judges* ad hoc Valticos, Ruda;

AGAINST: *Judge* Oda."

Judge Shahabuddeen appended a declaration to the judgement;[203] Vice-President Schwebel and Judge ad hoc Valticos appended separate opinions;[204] and Judge Oda appended a dissenting opinion.[205]

On 30 November 1994, the date fixed in the judgement of 1 July, the Court received from the Agent of Qatar a letter transmitting an "Act to comply with paragraphs (3) and (4) of the operative paragraph 41 of the Judgement of the Court dated 1 July 1994". On the same day, the Court received a communication from the Agent of Bahrain, transmitting the text of a document entitled "Report of the State of Bahrain to the International Court of Justice on the attempt by the Parties to implement the Court's Judgement of 1 July 1994."

In view of those replies of Qatar and Bahrain to the requests made in the judgement of 1 July 1994, the Court resumed dealing with the case.

---

6. *Gabcikovo-Nagymaros Project (Hungary/Slovakia)*

By an Order of 14 July 1993,[206] the Court decided that, as provided in article 3, paragraph 2, of the Special Agreement and Article 46, paragraph 1, of the Rules of Court, each Party should file a Memorial and a Counter-Memorial, within the same time limit, and fixed 2 May 1994 and 5 December 1994 as the time limits for the filing of the Memorial and Counter-Memorial respectively. The Memorials and Counter-Memorials were filed within the prescribed time limits.

Slovakia chose Mr. Krzysztof J. Skubiszewski to sit as judge ad hoc.

By an Order of 20 December 1994, [207] the President of the Court, taking into account the views of the Parties, fixed 20 June 1995 as the time limit for the filing of a Reply by each of the Parties. Those Replies were filed within the prescribed time limit.

---

7. *Oil Platforms (Islamic Republic of Iran v. United States of America)*

By an Order of 18 January 1994,[208] the Court fixed 1 July 1994 as the time limit within which the Islamic Republic of Iran could present a written statement of its observations and submissions on the objections. That written statement was filed within the prescribed time limit.

8. *Land and Maritime Boundary between Cameroon and Nigeria (Cameroon v. Nigeria)*

On 29 March 1994, the Republic of Cameroon filed in the Registry of the Court an Application instituting proceedings against the Federal Republic of Nigeria in a dispute concerning the question of sovereignty over the peninsula of Bakassi and requesting the Court to determine the course of the maritime frontier between the two States in so far as that frontier had not already been established in 1975.

As a basis for the jurisdiction of the Court, the Application refers to the declarations made by Cameroon and Nigeria under Article 36, paragraph 2, of the Statute of the Court, by which they accept that jurisdiction as compulsory.

In the Application Cameroon refers to "an aggression by the Federal Republic of Nigeria, whose troops are occupying several Cameroonian localities on the Bakassi Peninsula", resulting "in great prejudice to the Republic of Cameroon", and requests the Court to adjudge and declare:

"*(a)* That sovereignty over the Peninsula of Bakassi is Cameroonian, by virtue of international law, and that that Peninsula is an integral part of the territory of Cameroon;

(b) That the Federal Republic of Nigeria has violated and is violating the fundamental principle of respect for frontiers inherited from colonization (*uti possidetis juris*);

(c) That by using force against the Republic of Cameroon, the Federal Republic of Nigeria has violated and is violating its obligations under international treaty law and customary law;

(d) That the Federal Republic of Nigeria, by militarily occupying the Cameroonian Peninsula of Bakassi, has violated and is violating the obligations incumbent upon it by virtue of treaty law and customary law;

(e) That in view of these breaches of legal obligation, mentioned above, the Federal Republic of Nigeria has the express duty of putting an end to its military presence in Cameroonian territory, and effecting an immediate and unconditional withdrawal of its troops from the Cameroonian Peninsual of Bakassi;

(e') That the internationally unlawful acts referred to under *(a)*, *(b)*, *(c)*, *(d)*, and *(e)* above involve the responsibility of the Federal Republic of Nigeria;

(e") That, consequently, and on account of the material and non-material damage inflicted upon the Republic of Cameroon, reparation in an amount to be deterined by the Court is due from the Federal Republic of Nigeria to the Republic of Cameroon, which reserves the introduction before the Court of [proceedings for] a precise assessment of the damage caused by the Federal Republic of Nigeria;

(f) In order to prevent any dispute arising between the two States concerning their maritime boundary, the Republic of Cameroon requests the Court to proceed to prolong the course of its maritime boundary with the Federal Re-

public of Nigeria up to the limit of the maritime zones which international law places under their respective jurisdictions."

On 6 June 1994, Cameroon filed in the Registry of the Court an Additional Application "for the purpose of extending the subject of the dispute" to a further dispute described as relating essentially "to the question of sovereignty over a part of the territory of Cameroon in the area of Lake Chad", while also asking the Court to specify definitively the frontier between Cameroon and Nigeria from Lake Chad to the sea. Cameroon requested the Court to adjudge and declare:

"*(a)* That sovereignty over the disputed parcel in the area of Lake Chad is Cameroonian, by virtue of international law, and that that parcel is an integral part of the territory of Cameroon;

(b) That the Federal Republic of Nigeria has violated and is violating the fundamental principle of respect for frontiers inherited from colonization (*uti possidetis juris*), and its recent legal commitments concerning the demarcation of frontiers in Lake Chad;

(c) That the Federal Republic of Nigeria, by occupying, with the support of its security forces, parcels of Cameroonian territory in the area of Lake Chad, has violated and is violating its obligations under treaty law and customary law;

(d) That in view of these legal obligations, mentioned above, the Federal Republic of Nigeria has the express duty of effecting an immediate and unconditional withdrawal of its troops from Cameroonian territory in the area of Lake Chad;

(e) That the internationally unlawful acts referred to under *(a)*, *(b)*, and *(d)* above involve the responsibility of the Federal Republic of Nigeria;

(e') That consequently, and on account of the material and non-material damage inflicted upon the Republic of Cameroon, reparation in an amount to be determined by the Court is due from the Federal Republic of Nigeria to the Republic of Cameroon, which reserves the introduction before the Court of [proceedings for] a precise assessment of the damage caused by the Federal Republic of Nigeria;

(f) That in view of the repeated incursions of Nigerian groups and armed forces into Cameroonian territory, all along the frontier between the two countries, the consequent grave and repeated incidents, and the vacillating and contradictory attitude of the Federal Republic of Nigeria in regard to the legal instruments defining the frontier between the two countries and the exact course of that frontier, the Republic of Cameroon respectfully asks the Court to specify definitively the frontier between Cameroon and the Federal Republic of Nigeria from Lake Chad to the sea."

Cameroon further requested the Court to join the two Applications "and to examine the whole in a single case".

At a meeting between the President of the Court and representatives of the Parties held on 14 June 1994, the Agent of Nigeria indicated that his Government had no objection to the Additional Application being treated as an amendment to the initial Application, so that the Court could deal with the whole as one case.

Cameroon chose Mr. Kéba Mbaye and Nigeria Prince Bola A. Ajibola to sit as judges ad hoc.

By an Order of 16 June 1994, the Court, seeing no objection to such a procedure, fixed 16 March 1995 as the time limit for filing the Memorial of Cameroon, and 18 December 1995 as the time limit for filing the Counter-Memorial of Nigeria. The Memorial was filed within the prescribed time limit.

B. Requests for advisory opinion

1. *Legality of the Use by a State of Nuclear Weapons in Armed Conflict*

By an Order of 20 June 1994, [209] the President of the Court, following requests from several of the aforesaid States [those of its Member States who are entitled to appear before the Court], extended that time limit to 20 September 1994.

2. *Legality of the Threat or Use of Nuclear Weapons*

On 15 December 1994, the General Assembly of the United Nations adopted resolution 49/75 K, entitled "Request for an Advisory Opinion from the International Court of Justice on the Legality of the Threat or Use of Nuclear Weapons", by which, pursuant to Article 96, paragraph 1, of the Charter of the United Nations, it requested the Court:

> "urgently to render its advisory opinion on the following question: 'Is the threat or use of nuclear weapons in any circumstance permitted under international law?'"

The request was transmitted to the Court by the Secretary-General of the United Nations in a letter dated 19 December 1994, received in the Registry by facsimile on 20 December 1994 and filed in the original on 6 January 1995.

6. INTERNATIONAL LAW COMMISSION[210]

Forty-sixth Session of the Commission[211]

The International Law Commission held its forty-sixth session at Geneva from 2 May to 22 July 1994. The Commission considered all items on its agenda.

On the question of the draft Code of Crimes against the Peace and Security of Mankind, the Commission began the second reading of the draft Code, adopted on first reading at its forty-third (1991) session. It had before it the twelfth report of the Special Rapporteur,[212] which covered draft articles 1 to 15. After considering these articles in plenary, the Commission referred them to the Drafting Committee.

In the framework of the topic "Draft Code of Crimes against the Peace and Security of Mankind", the Commission re-established the Working Group on the Draft Statute for an International Criminal Court. The Commission received from the Working Group three reports, the last of which contained the text of a draft statute accompanied by commentaries.[213] The Commission adopted the draft statute and the commentaries to the 60 articles comprising it, and recommended to the General Assembly that it convene an international conference of plenipotentiaries to study the draft statute and to conclude a convention on the establishment of an international criminal court.

With respect to the topic "The law of the non-navigational uses of international watercourses", the Commission considered the topic on the basis of the second report of the Special Rapporteur[214] and adopted on second reading a complete set of draft articles and a draft resolution on transboundary confined groundwater. It recommended the draft articles on the law of the non-navigational uses of international watercourses and the resolution to the General Assembly, and further recommended the elaboration of a convention by the Assembly or by an international conference of plenipotentiaries on the basis of the draft articles.

Regarding the topic "State responsibility", the Commission considered chapter II of the fifth report[215] and chapter III of the sixth report[216] of the Special Rapporteur, both devoted to the question of the consequences of internationally wrongful acts characterized as crimes under article 19 of part one of the draft articles. The Commission also considered chapter II of the Special Rapporteur's sixth report[217] which presented a reappraisal of the pre-countermeasures dispute settlement provisions so far envisaged for the draft on State responsibility. On the basis of the recommendations of the Drafting Committee as submitted at the previous and current sessions, the Commission provisionally adopted articles 11 (Countermeasures by an injured State), 13 (Proportionality) and 14 (Prohibited countermeasures). The Commission deferred action on article 12 (Conditions relating to resort to countermeasures).

Concerning the question of international liability for injurious consequences arising out of acts not prohibited by international law, the Commission had before it the tenth report of the Special Rapporteur,[218] but its consideration was deferred to the following year. On the basis of the recommendations of the Drafting Committee as submitted by the Committee at the previous and current sessions, the Commission provisionally adopted a number of articles.

Consideration by the General Assembly

At its forty-ninth session, the General Assembly had before it the report of the International Law Commission on the work of its forty-sixth session.[219] By its resolution 49/51 of 9 December 1994,[220] adopted on the recommendation of the Sixth Committee,[221] the General Assembly took note of the report of the International Law Commission on the work of its forty-sixth session; expressed its appreciation to the Commission for the work accomplished at that session, in particular for the completion of a draft statute articles on the law of the non-navigational uses of international watercourses; endorsed the intention of the Commission to undertake work on the topics "The law and practice relating to reservations to treaties" and "State succession and its impact on nationality of natural and legal persons", on the understanding that the final form to be given to the work on those topics should be decided after a preliminary study was presented to the General Assembly; and also expressed its appreciation for the efforts of the Commission to improve its procedures and methods of work.

7. UNITED NATIONS COMMISSION ON INTERNATIONAL TRADE LAW[222]

TWENTY-SEVENTH SESSION OF THE COMMISSION[223]

The United Nations Commission on International Trade Law held its twenty-seventh session in New York from 31 May to 17 June 1994.

At the twenty-seventh session, UNCITRAL, recalling its adoption of the Model Law on Procurement of Goods and Construction at its twenty-sixth session,[224] adopted the Model Law on Procurement of Goods, Construction and Services, with the understanding that the current Model Law did not supersede the earlier Model Law. The Commission also adopted the Guide to Enactment of the Model Law on Procurement of Goods, Construction and Services at the current session.

Concerning the question of international commercial arbitration, the Commission had before it draft Guidelines for Preparatory Conferences in Arbitral Proceedings.[225] The Commission requested the United Nations Secretariat to revise the draft Guidelines in the light of the discussions at the current session and to submit a revised draft to the Commission at its twenty-eighth session in 1995 with a view to the finalization of the text at that session.

With respect to the topic of guarantees and stand-by letters of credit, the Commission at its twenty-second session in 1989 had entrusted the work on a uniform law on guarantees and stand-by letters of credit to the Working Group on International Contract Practices. At the current session, the Commission had before it reports of the twentieth and twenty-first sessions of the Working Group,[226] at which the latter had continued the preparation of a draft convention on independent guarantees and stand-by letters of credit. The Commission requested the Working Group to proceed with its work so as to present the draft convention to the commission at the twenty-eighth session in 1995.

Regarding legal issues in electronic data interchange (EDI), the Commission had before it the reports of the Working Group on Electronic Data Interchange on the work of its twenty-sixth and twenty-seventh sessions dealing with the preparation of legal rules on EDI.[227] It was the view that the Working Group might not be able to complete its work within one year and submit the model statutory provisions to the Commission at its next session, but that, however, a draft set of basic "core" provisions could be completed by the Working Group at its twenty-eighth or twenty-ninth session.

Concerning "Case Law on UNCITRAL Texts" (CLOUT), the Commission at the current session noted the existence of three editions of the CLOUT abstracts series containing abstracts on 52 court decisions and arbitral awards relating to the United Nations Convention on Contracts for the International Sale of Goods and the UNCITRAL Model Law on International Commercial Arbitration.[228]

Consideration by the General Assembly

At its forty-ninth session, the General Assembly, By its resolution 49/55 of 9 December 1994,[229] adopted on the recommendation of the Sixth Committee,[230] took note of the report of the United Nations Commission on International Trade Law on the work of its twenty-seventh session; reaffirmed the importance, in particular for developing countries, of the work of the Commission concerned with training and

assistance in the field of international trade law; welcomed the completion of the setting up of the trust fund for the United Nations Commission on International Trade Law to grant travel assistance to developing countries that are members of the Commission, at their request and in consultation with the Secretary-General, pursuant to paragraph 5 of resolution 48/32 of 9 December 1993; and appealed to Governments, the relevant United Nations organs, organizations, institutions and individuals to make voluntary contributions to the trust fund. By its resolution 49/54, also of 9 December 1994,[231] adopted on the recommendation of the Sixth Committee,[232] the Assembly took note of the completion and adoption by UNCITRAL of the UNCITRAL Model Law on Procurement of Goods, Construction and Services[233] together with the Guide to Enactment of the Model Law,[234] and recommended that, in view of the desirability of improvement and uniformity of the laws of procurement, all States give favourable consideration to the Model Law when they enacted or revised their procurement laws.

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

(*a*) Status of the Protocols Additional to the Geneva Conventions of 1949 and relating to the protection of victims of armed conflicts

By its resolution 49/48 of 9 December 1994,[235] adopted on the recommendation of the Sixth Committee,[236] the General Assembly, having considered the report of the Secretary-General[237] on the status of the Protocols[238] Additional to the Geneva Conventions of 1949,[239] appealed to all States parties to the Geneva Conventions of 1949 that had not yet done so to consider becoming parties to the additional Protocols at the earliest possible date; and called upon all States which were already parties to Protocol I, or those States not parties, on becoming parties to Protocol I, to make the declaration provided for under article 90 of that Protocol.

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

By its resolution 49/49 of 9 December 1994,[240] adopted on the recommendation of the Sixth Committee,[242] the General Assembly took note of the report of the Secretary-General,[242] strongly condemned acts of violence against diplomatic and consular missions and representatives, as well as against missions and representatives of international intergovernmental organizations and officials of such organizations, and emphasized that such acts could never be justified; urged States to observe, implement and enforce principles and rules of international law governing diplomatic and consular relations and, in particular, to ensure, in conformity with their international obligations, the protection, security and safety of the missions, representatives and officials mentioned above officially present in territories under their jurisdiction, including practical measures to prohibit in their territories illegal activities of persons, groups and organizations that encouraged, instigated, orga-

nized or engaged in the perpetration of acts against the security and safety of such missions, representatives and officials; also urged States to take all necessary measures at the national and international levels to prevent any acts of violence against the missions, representatives and officials mentioned above and to bring offenders to justice; and further urged States to take all appropriate measures, in accordance with international law, at the national and international levels to prevent any abuse of diplomatic or consular privileges and immunities, in particular serious abuses, including those involving acts of violence.

(*c*) United Nations Decade of International Law

By its resolution 49/50 of 9 December 1994,[242] adopted on the recommendation of the Sixth Committee,[244] the General Assembly, having considered the report of the Secretary-General,[245] as well as the report of the Working Group on the United Nations Decade of International Law,[246] adopted the programme for the activities for the third term (1995-1996) of the United Nations Decade of International Law as an integral part of the resolution, to which it was annexed. The Assembly also requested the Secretary-General to proceed with the organization of the United Nations Congress on Public International Law, to be held from 12 to 17 March 1995.

(*d*) Draft articles on the law of the non-navigational uses of international watercourses

By its resolution 49/52 of 9 December 1994,[247] adopted on the recommendation of the Sixth Committee,[248] the General Assembly decided that, at the beginning of the fifty-first session of the General Assembly, the Sixth Committee should convene as a working group of the whole, open to States Members of the United Nations or members of specialized agencies, for three weeks from 7 to 25 October 1996, to elaborate a framework convention on the law of the non-navigational uses of international watercourses on the basis of the draft articles adopted by the International Law Commission in the light of the written comments and observations of States and views expressed in the debate at the forty-ninth Session.

(*e*) Establishment of an international criminal court

By its resolution 49/53 of 9 December 1994,[249] adopted on the recommendation of the Sixth Committee,[250] the General Assembly welcomed the report of the International Law Commission on the work if its forty-sixth session,[251] including the recommendations contained therein; and decided to establish an ad hoc committee, open to all States Members of the United Nations or members of specialized agencies, to review the major substantive and administrative issues arising out of the draft statute for an international criminal court prepared by the International Law Commission and, in the light of that review, to consider arrangements for the convening of an international conference of plenipotentiaries.

(*f*) Report of the Committee on Relations with the Host Country

By its resolution 49/56 of 9 December 1996,[252] adopted on the recommendation of the Sixth Committee,[253] the General Assembly, having considered the report of the Committee on Relations with the Host Country,[254] endorsed the recommenda-

tions and conclusions of the Committee contained in paragraph 73 of its report; expressed its appreciation for the efforts made by the host country, and hoped that problems raised at the meetings of the Committee would continue to be resolved in a spirit of cooperation and in accordance with international law; voiced its concern that the amount of financial indebtedness resulting from non-compliance with contractual obligations of certain missions accredited to the United Nations has increased to alarming proportions, reminded all permanent missions of the United Nations, their personnel and Secretariat personnel of their responsibilities to meet such obligations, and expressed the hope that the efforts undertaken by the Committee, in consultation with all concerned, would lead to a solution of this problem; and welcomed the lifting of travel controls by the host country with regard to certain missions and staff members of the Secretariat of certain nationalities and expressed the hope that the remaining travel restrictions would be removed by the host country as soon as possible, and in that regard noted the positions of the affected States, of the Secretary-General and of the host country.

(*g*) Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization

By its resolution 49/58 of 9 December 1994,[255] adopted on the recommendation of the Sixth Committee,[256] the General Assembly took note of the report of the Special Committee;[257] decided that the Special Committee would hold its next session from 27 February to 10 March 1995; and invited the Secretary-General to submit, before the session in 1995; a report on the question of the implementation of the provisions of the Charter, including Article 50, related to the special economic problems confronting States and arising from the carrying out of sanctions mandated under Charter VII of the Charter of the United Nations, analysing the proposals and suggestions on the issue contained in the report of the Special Committee of its 1994 session, giving due attention to the possible practical ways and means of carrying any of them out.

By its resolution 49/57 also of 9 December 1994,[258] adopted on the recommendation of the Sixth Committee,[259] the General Assembly approved the Declaration on the Enhancement of Cooperation between the United Nations and Regional Arrangements or Agencies in the Maintenance of international Peace and Security, the text of which was annexed to the resolution; and expressed its appreciation to the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization for its important contribution to the elaboration of the text of the Declaration.

(*h*) Convention on the Safety of United Nations and Associated Personnel 260

By its resolution 49/59 9 December 1994,[261] adopted on the recommendation of the Sixth Committee,[262] the General Assembly adopted and opened for signature and ratification, acceptance or approval, or for accession, the Convention on the Safety of United Nations and Associated Personnel; and urged States to take all appropriate measures to ensure the safety and security of United Nations and associated personnel within their territory.

(*i*) Measures to eliminate international terrorism

By its resolution 49/60 of December 1944,[263] adopted on the recommendation of the Sixth Committee,[264] the General Assembly took note of the report of the Secretary-General;[265] approved the Declaration on Measures to Eliminate International Terrorism, the text of which was annexed to the resolution; and invited the Secretary-General to inform all States, the Security Council, the International Court of Justice and the relevant specialized agencies, organizations and organisms of the adoption of the Declaration.

(*j*) Convention on jurisdictional immunities of States and their property

By its resolution 49/61 of 9 December 1994,[266] adopted on the recommendation of the Sixth Committee,[267] the General Assembly accepted the recommendation of the International Law Commission that an international conference of plenipotentiaries be convened to consider the articles on jurisdictional immunities of States and their property and to conclude a convention on the subject.

9. UNITED NATIONS INSTITUTE FOR TRAINING AND RESEARCH[268]

In the light of the debates in the General Assembly and pursuant to a decision of its Board of Trustees, UNITAR has dedicated no funds for research *per se* during the period under review. Research materials and stocks of books and publications have been handed over to the United Nations University in Tokyo since the closure of UNITAR headquarters in New York. Some ongoing research is being completed; certain of the publications have been updated and reprinted. UNITAR now concentrates on results-oriented research, in particular research on and for training. The coordinator of UNITAR programmes was awarded a grant by the Ford Foundation for 1993/94 for a project entitled "The United Nations as a dispute settlement system: strengthening United Nations capacity for the prevention and resolution of conflict". The aim of the research is to propose recommendations for enhancing United Nations practice.

UNITAR's training programme for 1994 included a seminar on the structure and the functions of the principal organs of the United Nations; another on privileges and immunities of diplomats accredited to the United Nations at Geneva; a workshop on the procedures for the settlement of trade disputes in GATT; and a workshop on the structure, retrieval and use of United Nations documentation, all of which was held at Geneva. The joint UNITAR/International Peace Academy fellowship programme in peacekeeping and preventive diplomacy was conducted in Austria from 27 June to 9 July 1994. The training programme on the implementation of the London Guidelines, established in 1991 to assist developing countries in their efforts to implement the London Guidelines for the Exchange of Information on Chemicals in International Trade and to strengthen their chemicals management schemes, included a workshop in Mexico City and one in Santa Marta, Colombia, in 1994. UNITAR'S debt and financial management programme included a fact-finding mission in the legal aspects of debt and financial management in sub-Saharan Africa from 27 February to 30 March 1994; as well as a subregional workshop on the negotiation and drafting of loan agreements for 15 sub-Saharan African countries, held at Addis Ababa in June 1994; and a seminar in the legal asepcts of debt and financial management for senior officials of Azerbaijan, Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan and Uzbekistan, held in Switzerland in February 1994.

The Institute of Policy Studies of Singapore and UNITAR initiated, in August 1994, a series of debriefing conferences on United Nations peacekeeping operations. The first conference concerned the lessons learned from the United Nations Transitional Authority in Cambodia.

At its forty-ninth session, by its resolution 49/125 of 19 December 1994,[269] adopted on the recommendation of the Second Committee,[270] the General Assembly having considered the report of the Secretary-General,[271] took note of the recommendations of the Board of Trustees of UNITAR; and urged Member States to make voluntary contributions to the restructured institute, in particular to its General Fund, so as to assure its viability and the further development of its training programmes.

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

1. INTERNATIONAL LABOUR ORGANIZATION*

The International Labour Conference, which held its 81st session at Geneva from 7 to 24 June 1994, adopted several amendments to its Standing Orders:[272]

(*a*) Amendments to article 38 (Preparatory stages of single-discussion procedure), paragraphs 1 and 3;

(*b*) Amendments to article 39 (Preparatory stages of double-discussion procedure), paragraphs 1 and 2.

The Conference also adopted a Convention (No.175) and a Recommendation (No.182) concerning Part-Time Work.[273]

The Committee of Experts on the Application of Conventions and Recommendations met at Geneva from 10 to 25 February 1994 and presented its report,[274] which was submitted to the International Labour Conference at its 81st session.

Representations were lodged under article 24 of the Constitution of the International Labour Organization[275] alleging non-observance by Guatemala of the Forced Labour Convention, 1930, (No. 29), and of the Abolition of Forced Labour Convention, 1957, (No. 105);[276] by the Czech Republic of the Discrimination (Employment and Occupation) Convention, 1958 (No. 111);[277] by Gabon of the Protection of Wages Convention, 1949 (No. 95);[278] by Nicaragua of the Protection of Convention, 1949 (No. 95), of the Social Policy (Basic Aims and Standards) Convention, 1962 (No. 117), and of the Employment Policy Convention, 1964 (No. 122)[279] by Paraguay of the Minimum Wage-Fixing Machinery Convention, 1952 (No. 26);[280] by Peru of the Social Security (Minimum Standards) Convention, 1952 (No. 102);[281] by Turkey of the Freedom of Association and Protection of the Right to Organize Convention, 1948

*The order of the organizations reflects the chronological order, from earlier to most recent, of the effective date the United Nations entered into a relationship with the organization. All the organizations listed here are United Nations special agencies, except the IAEA, which is an autonomous intergovernmental organization under the aegis of the United Nations and is listed last.

(No. 87);[282] by Uruguay of the Safety Provisions (Building) Convention, 1937 (No. 62), of the Labour Inspection Convention, 1947 (No. 81), of the Labour Administration Convention, 1978 (No. 150), of the Occupational Safety and Health Convention, 1981 (No. 155) and of the Occupational Health Services Convention (No.161);[283] by the Congo of the Protection of Wages Convention, 1949 (No. 95);[284] by Costa Rica of the Employment Policy Convention, 1964 (No. 122);[285] by France of the Convention on Protection of Wages, 1949 (No. 95), and on Minimum Wage Fixing, 1970 (No. 131),[286] and of the Conventions on Labour Inspection, 1947 (No. 81), and on Social Policy (Non-Metropolitan Territories), 1947 (No. 82);[287] by Poland of the Freedom of Association and Protection of the Right to Organize Convention, 1948 (No. 87).[288]

The Governing Body of the International Labour Office, which met at Geneva, considered and adopted the following reports of its Committee on Freedom of Association: the 292nd and 293rd reports[289] (259th session, March 1994), the 294th report[290] (260th session, June 1994); and the 295th and 296th reports[291] (261st session, November 1994).

2. FOOD AND AGRICULTURE ORGANIZATION OF THE UNITED NATIONS

(*a*) Decisions of main bodies of the Organization.

(i) The Council

a, Review of provisions for acceptance procedures under article XIV of the FAO Constitution

At its 107th Session, the Council endorsed the conclusion of the Committee on Constitutional and Legal Matters (CCLM) which had reviewed the provisions of article XIV of the FAO Constitution concerning the acceptance of agreements concluded thereunder, and concluded that a wide range possibilities was provided for in the Constitution and General Rules of the Organization, as well as in the Vienna Convention on the Law of Treaties (1969), although these had not always been fully exploited in practice. Consequently there was no need for amendments.

b, Participation of European Community and European Community Member States, representing their overseas territories outside the geographical scope of the Treaty of Rome, in FAO meetings and intergovernmental agreements under FAO auspices

The CCLM discussed the matter at its 63rd session (September 1994) and concluded that the basic issue was already well covered in the relevant provisions of the Basic Texts of the Organization, as supplemented by the Declaration of Competence lodged by EC and its member States at the time of admission to FAO. Thus, in the view of the CCLM, there could be no question of a "double voice" or "double vote".

The FAO Council, at its 107th session (November 1994), requested the CCLM to review again problems concerning agreements where exclusive competence lay with the member Organization, but member States still wished to participate on behalf of their overseas territories that were outside the geographical scope of the transfer of competence of the member organization, and to prepare new guidelines with regard to participation in agreements established under article XIV of the Constitution.

(*b*) Legislative matters

(i) Activities connected with international meetings

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

— Expert Consultation on the Code of Conduct on Responsible Fishing, Cape Verde, 1994, and Rome, 26 September–5 October 1994;

— 3rd Session of the Intergovernmental Negotiating Committee for a Convention to Combat Desertification, New York, 18–30 January 1994;

— United Nations conference on Straddling Fish Stocks and Highly Migratory Fish Stocks, New York, 4–31 March 1994;

— International Law Association (ILA), meeting of the Water Resources Committee, Rome, 10–12 February 1994;

— Workshop on the Environmental Assessment and Management of Aquaculture Development, Bangkok, 21–26 February 1994;

— Interagency Meeting on a Legally Binding Instrument on the Mandatory Application of the Prior Informed Consent Procedure, Geneva, 6–7 March 1994;

— 2nd Meeting of the Task Force on Strengthening the Legal Basis of the Amended London Guidelines, Geneva, 8–10 March 1994;

— International Association for Water Law, Symposium on Water Law and Administration in Italy: Present State and Pointers for the Future, Rome, 15–16 March 1994;

— 4th Session of the Intergovernmental Negotiating Committee for a Convention to Combat Desertification, Geneva, 20 March–1 April 1994;

— IUCN Environmental Law Centre Meeting on the Evolution of Environmental Law over the Last 20 Years, Bonn, 27–29 April 1994;

— Intellectual Property, Rome, 14–21 May 1994;

— European Inland Fisheries Advisory Commission, 18th Session, Rome, 17–25 May 1994;

— Food Law and Quality Improvement in Central and Eastern European Countries , Warsaw, 25–29 May 1994;

— Advisory Group Meeting on the Andean Pact Decision on Access to Genetic Resources, Lima, 28 May–2 June 1994;

— IV International Conference "Towards World Governing of the Environment," Venice, 2-5 June 1994;

— 5th Session of the Intergovernmental Negotiating Committee for a Convention to Combat Desertification, Paris, 5–19 June 1994;

— 1st Meeting of the Steering Committee of the UNEP/UNDP Environment Law Project for Africa, The Hague, 9–11 June 1994;

— 2nd Session of the Intergovernmental Negotiating Committee for the Convention on Biological Diversity, Nairobi, 22 June–4 July 1994;

— Conference on Aquaculture and Water Resource Management, Stirling, Scotland, 22–26 June 1994;

— Workshop on Harmonization of Requirements and Procedures for Registration and Control of Pesticides in the Andean Subregion, Lima, 8–12 August 1994;

— Workshop on the Requirements of Plant Quarantine for the Near East, Alexandria, Egypt, 19–24 September 1994;

— Steering Committee Meeting, FAO Microbanking System, Rome, 22 September 1994;

— Second Meeting of the Steering Committee of the UNEP/UNDP Environmental Law Project for Africa, Geneva, 29 September–1 October 1994;

— Technical Meeting on the Black Sea Fisheries Convention, Istanbul, 12–17 October 1994;

— Workshop on Principles of Plant Quarantine and Pest Risk Analysis for the Near East, Cyprus, 24–28 October 1994;

— International Development Liaison Interests Course on Environmental Law in Urban Areas, La Plata, 24–28 October 1994;

— Meeting of Legal and Technical Experts to Examine Amendments to the Barcelona Convention and its Related Protocols and the Mediterranean Action Plan, Barcelona, 13–20 November 1994;

— Third Meeting of the Steering Committee of the UNEP/UNDP Environmental Law Project for Africa, Nairobi, 23–26 November 1994;

— 1st Session of the Conference of the Parties to the Convention on Biological Diversity, Nassau, 25 November–13 December 1994;

— Interagency Meeting for Consideration of the Major issues related to the Development of a Legally Binding Instrument for the Application of the Prior informed Consent Procedure, Geneva, 29–30 November 1994;

— Informal Consultative Meeting among Governments and Relevant Organizations for Consideration of the Major Issues Related to the Development of a Legally Binding Instrument for the Application of the Prior Informed Consent Procedure, Geneva, 1–2 December 1994;

— National Workshop on Cooperatives Legislation, Beijing, 4–10 December 1994;

— Meeting with the Inter-American Development Bank, Washington, 6–8 December 1994;

— Ibero-American Seminar on the Law and Technology of Water, Alicante, 15–17 December 1994;

— MicroBanker Workshop, World Council of Credit Unions, Washington, 15–16 December 1994;

— Expert Consultation on the Reorganization of Agrarian Structures in Rapidly Changing Economic Environments, Rome, 12–14 December 1994;

— EUROWATER Project (Institutional Mechanisms for Water Management in the Context of European Environmental Policies), Meeting of Experts, Paris, 19–20 December 1994.

(ii) Legislative assistance and advice

Legal assistance and advice not involving field missions was furnished to Governments, agencies or educational centres, at their request, on a broad range of topics including agricultural forms of production (especially in countries in transition); agricultural credit (Zambia); water (Bulgaria, Mongolia, the former Yugoslav Republic of Macedonia); plant protection (Bolivia); biodiversity (Ecuador); plant breeders' rights (Chile).

During 1994 legislative assistance and advice in the field were given to various countries on the following topics:

a. *Agrarian legislation*

Albania (joint ventures), Bolivia (agrarian law), Burundi (rural law), Central African Republic (agricultural investment), Congo (rural land law), Guinea (rural land law) Laos People's Democratic Republic (rural land law), Lithuania (land law), Mali (rural credit), Mauritania (oasis law), Mongolia (land regularization), Morocco (agricultural investment), Mozambique (land law), Togo (land law), Vietnam (cooperatives law).

b. *Water legislation*

Belize, Colombia, El Salvador, Indonesia, Lake Victoria region (Kenya, Uganda, United Republic of Tanzania, Uganda), Lithuania, Yemen.

c. *Animal health and production legislation*

Benin, Gambia, Ivory Coast, Laos People's Democratic Republic, Togo.

d. *Plant protection legislation*

Algeria, Brazil, Cameroon, Cyprus, Dominica, Egypt, Islamic Republic of Iran, Iraq, Lebanon, Libya Arab Jamahinya, Malawi, Malta, Morocco, Jordan, Oman, Saudi Arabia, Sudan, Arab Republic of Syria, Tunisia, Turkey, Uganda, United Arab Emirates, United Republic of Tanzania, Yemen, Zimbabwe.

e. *Plant production and seed legislation*

Albania (seed), Dominican Republic (seed), El Salvador (seed), Mauritania (seed), Morocco, Pakistan, United Republic of Tanzania (seed), Zanzibar (biodiversity and plant genetic resources).

f. *Pesticide legislation*

Argentina, Bolivia, Brazil, Chile, Colombia, Congo, Ecuador, Lebanon, Paraguay, Peru, Uruguay, Venezuela.

g. *Food legislation*

Albania, Burkina Faso, Côte d'Ivoire, Estonia, Gabon, Indonesia, Lithuania, Nicaragua, Poland

h. *Fisheries legislation*

Albania, Baltic States, Belize, Burkina Faso, Central African Republic, Côte d'Ivoire, El Salvador, Guinea, Islamic Republic of Iran; Lake Victoria region (Burundi, Kenya, Uganda, United Republic of Tanzania), Lesotho (inland fisheries; aquaculture), Madagascar, Malawi (inland fisheries).

i. *Forestry and wildlife legislation*

Albania (forestry), Armenia (forestry), Benin (rural institutions), Bolivia (forestry), Burkina Faso (forestry and wildlife), Cambodia (forestry), Comoros (forestry), Côte d'Ivoire (wildlife), Guinea (wildlife), Mali (forestry), Mauritania (forestry), Namibia (forestry), Tonga (forestry), United Republic of Tanzania (forestry — Zanzibar), Yemen (forestry).

j. *Environment legislation*

Burkina Faso, Cambodia, Cameroon, Cyprus, Nigeria, Uganda (biological diversity), United Republic of Tanzania (Zanzibar).

(iii) Legislation research and publications

Research was conducted, *inter alia*, on: customary water rights and practices in selected African countries; privatization of water-related services in Latin America; land law in Africa; seed and plant variety protection; plant breeders' rights legislation in developing countries in the light of the Biodiversity Convention and GATT; food control and certification legislation: public authorities and producers; legal framework for food security; pesticides registration legislation

(iv) Collection, translation and dissemination of legislative information

In 1994, FAO published the annual *Food and Agricultural Legislation* (*Recueil de legislation*, *alimentation et agriculture*; *Colección legislativa*: *agricultura y alimentación*).

3. UNITED NATIONS EDUCATIONAL, SCIENTIFIC AND CULTURAL ORGANIZATION

(*a*) Membership in the Organization

Vanuatu and South Africa became States members of UNESCO respectively on 10 February and 12 December 1994.

(*b*) International regulations

(i) Entry into force of instruments previously adopted

On 1 April 1994 the 1987 amendments to the Convention on Wetlands of International Importance especially as Waterfowl Habitat (Ramsar, 1971) entered into force. These amendments, adopted by a Conference of the States parties in 1987 at Regina, Canada, introduced into the Convention provisions foreseeing, notably, the adoption of a budget and payment of contributions thereto by the States parties.

(ii) Preparatory work on new instruments

During 1994, preparatory work was undertaken on a possible declaration on the protection of the human genome, as well as on a possible joint UNESCO — Council of Europe convention on the recognition of qualifications in higher education in the European region.

(*c*) Human rights

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

The Committee on Conventions and Recommendations met in private session at UNESCO headquarters from 19 to 20 April 1994 and from 11 to 13 October 1994, in order to examine communications which had been transmitted to it in accordance with Executive Board decision 104 EX/3.3.

At its April session, the Committee examined 27 communications, of which 17 were examined with a view to determining their admissibility or otherwise and 8 were examined as regards their substance. Of the communications examined, 1 was declared irreceivable and 5 were struck from the list either because they were considered as having been settled or because they did not, upon examination of the merits, appear to warrant further action. The examination of 21 communications was suspended. The Committee presented its report to the Executive Board at its 144th session.

At its October session, the Committee had before it 27 communications, of which 14 were examined as to their admissibility and 6 were examined from the standpoint of their substance. Of the communications examined, none was declared irreceivable and 5 were struck from the list since they were considered as having been settled or did not, upon examination of the merits, appear to warrant further action. The examination of 22 communications was suspended. The Committee presented its report on its examination of these communications to the Executive Board at its 145 session.

(*d*) Copyright activities

A regional committee of experts on the Draft Programme for Teaching Copyright at the University in the States of Asia and the Pacific Region (category VI), was held in cooperation with the Principle Regional Office for Asia and the Pacific (PROAP) in Khao Yai, Thailand, from 27 November to 1 December 1994. The participants, teachers of law from the universities of several developing countries of the region, discussed the draft programme prepared by the secretariat of UNESCO and amended it to reflect the realities prevailing in the region. The amended programme and the recommendations formulated by the participants were widely circulated among the Governments of the States of the region to encourage the introduction of teaching of copyright and neighbouring rights at the university level.

A sub-regional seminar on copyright for the Southern African States (cat. VII), Mangochi, Malawi, from 10 to 14 October 1994, was held in cooperation with the Malawi National Commission for UNESCO, representatives of the secretariat (Sector of Culture), of the Southern African Development Community (SADC) and the local Society of Authors of Malawi (COSOMA). There were 74 participants.

A sub-regional seminar for the Commonwealth of Independent States (cat. VII), organized in cooperation with the National Commission of the Russian Federation for UNESCO and the Russian Society of Authors, was held in Moscow from 6 to 8 December 1994. Sixty representatives of the CIS States and various regions of the Russian Federation participated.

A national seminar on copyright and Neighbouring Rights for Teachers of law (cat. VII) was held from 30 August to 2 September 1994 in Papayan, Colombia, in cooperation with the Regional Centre for Book Promotion in Latin America and the Caribbean (CERLALC) and the Ministry of National Education of Colombia (National Directions on Copyright). Forty-four persons took part in the seminar.

A regional meeting of Latin America teachers of copyright and neighbouring rights at the university level (within the framework of UNITWIN cat. VI) was held on 19 and 20 October 1994 in Bogotá. Ten specialists took part in the meeting.

At the request of the Government of the Sudan, legal assistance was provided in the revision of the national law on copyright, introducing also the protection of the rights of performers, producers of phonograms and broadcasting organizations. UNESCO officials also met government officials and circles concerned with copyright, with a view to sensitizing them on the role of copyright in stimulating creativity and cultural development and the need for effective copyright protection.

At the request of the Government of Bolivia, legal assistance was provided in January 1994 in the elaboration of a draft decree on the legal protection of computer software.

4. WORLD HEALTH ORGANIZATION

(*a*) Constitutional and legal developments

During 1994, the following countries became members of the World Health Organization by deposit of an instrument of acceptance of the Constitution, as provided for in articles 4, 6 and 79(b) of the Constitution.[292]

Niue ..... 4 May 1994

Nauru ..... 9 May 1994

Thus, at the end of 1994, there were 189 State Members and 2 Associate Members of WHO.

The amendments to article 24 and 25 of the Constitution, adopted in 1986 by the Thirty-ninth World Health Assembly to increase membership of the Executive Board from 31 to 32, came into force on 11 July 1994.

(*b*) Health legislation

WHO's Health Legislation Programme continued its ongoing activities aimed at facilitating the international flow of information dealing with international and national health legislation. The primary vehicle for this process remains the WHO quarterly journal, the *International Digest of Health Legislation / Recueil International de Législation Sanitaire*, the total circulation of the journal being approximately 4200 copies. The *Digest* serves as the key element whereby the Organization operates a global clearing house for information in this field. The year 1994 saw the first major change in the format and presentation of the *Digest* since 1981 and feedback from readers concerning the new presentation has been positive. A CD-ROM version of the journal has been prepared and will appear in 1995, covering vols. 31 to 45; this product will substantially facilitate the retrieval of legislative, regulatory and related information.

Every effort was made to ensure continuing, systematic access to international, national and relevant subnational legislation on all aspects of health and human environment of interest to the readership. In particular, efforts were made in 1994 in assuring the regular flow of legislative information from the countries of Central and Eastern Europe and the newly independent States of the former USSR.

In the course of 1994, the Unit received an unprecedented number of requests for information on a wide variety of topics in the field of health legislation and bioethics. The total number was 271 (including 22 relating to AIDS). High priority has continued to be given to requests for information dealing with HIV/AIDS legislation and related matters.

Significant support was accorded in 1994 to the newly established Regional Programme in Bioethics of the Pan American Health Organization, located in Santiago de Chile.

In 1994, a new version of the Health Legislation Unit's listing of HIV/AIDS legislation was produced (in English and French). Other efforts were made to systematize the collection/compilation of HIV/AIDS-related documentation.

Legislation designed to combat tobacco consumption continues to be regularly monitored.

The Programme on Substance Abuse prepared a study entitled "Drug and alcohol abuse: policy, law and programmes for treatment and rehabilitation" (to be published by WHO in 1996). Information on all significant international, national and subnational developments in this area was provided in this connection. This study is a follow-up to an earlier project that culminated in a WHO publication.

Food safety legislation is a topic of considerable current interest both nationally and internationally, and working group are convened on this topic by the Food Safety Programme.

A major review of legislation dealing with traditional and alternative systems of medicine was prepared by the Traditional Medicine Programme. This is an update of an earlier study, which culminated in a well-received legislative review published in the *International Digest of Health Legislation*.

Among other initiatives a systematic compilation of legislation on leprosy was compiled, at the request of the Action Programme for Elimination of Leprosy. In fact the *Digest* is being used as a vehicle for the dissemination of information concerning outputs of various programmes, such as the Action Programme on Essential Drugs.

There has been a regular and systematic exchange of information relating to measures (including legislation) introduced to implement the International Code of Marketing of Breast-milk Substitutes.

Cooperation was ensured with the Council for International Organizations of Medical Sciences in preparing the conference it organized, with WHO support, held in Ixtapa, Mexico, in April 1994, which led to the adoption of the "Declaration of Ixtapa: A Global Agenda for Bioethics".

5. WORLD BANK

(*a*) IBRD, IFC and IDA: Membership

During 1994, Eritrea became a member of the Bank and IDA, the Republic of Moldova became a member of IDA and Tajikistan became a member of IFC.

(*b*) World Bank Inspection Panel

The World Bank's Inspection panel was established on 22 September 1993 and started operations in August 1994.[293] The Panel provides groups of private citizens direct access to the Bank if they believe they are being directly and adversely affected by the failure of the Bank to follow its own policies and procedures with respect to the design, appraisal or implementation of a project financed by the Bank or IDA.

In November 1994, the Inspection Panel registered the first request for inspection, concerning the planned Arun III hydroelectric power project in Nepal. The request for inspection alleged violations by IDA of its policies concerning, *inter alia*, environmental assessment, involuntary resettlement and indigenous people. On 23 November, the Inspection Panel received Management's response to the request for inspection.

(*c*) Multilateral Investment Guarantee Agency (MIGA)

(i) *Signatories and members*

As of December 1994, the Convention Establishing the Multilateral Investment Guarantee Agency (the Convention)[294] had been signed by 148 countries. During 1994, requirements for MIGA membership were completed by the following

countries: Bahamas, Benin, Costa Rica, Equatorial Guinea, India, Lebanon, Mozambique, Nepal, Philippines, South Africa, Ukraine, Venezuela and Viet Nam.

(ii) *Significant decisions of the Council of Governors*

On 8 February 1994, the Council of Governors adopted resolution No. 47 to increase the maximum amount of contingent liabilities that may be assumed by the Agency from 150 per cent to 350 per cent of the amount of the Agency's unimpaired subscribed capital and its reserves plus such portion of its reinsurance cover, if any, as the Board may determine (the "Agency's assets"). The increase would be accomplished in two stages: (a) a first increase to 250 per cent of the Agency's assets effective immediately; and (b) a second increase to 350 per cent of the Agency's assists to be considered by the Board of Directors on the basis of the Agency's reserve position and prudent risk management once the sum of the Agency's actual level of contingent liabilities (including contracts and commitments in force) plus those operations approved by, or concurred with, the Board of Directors has reached 240 per cent of the Agency's assets.

On 1 August 1994 the Council of Governors adopted resolution No. 48, entitled "Review of the activities of the Agency in accordance with article 67 of the MIGA Convention". Article 67 of the Convention provides that "the Council shall periodically undertake comprehensive reviews of the activities of the Agency as well as the results achieved with a view to introducing any changes required to enhance the Agency's ability to serve it objectives". Article 67 additionally provides that the first review take place five years after the entry into force of the Convention and that the dates of subsequent reviews shall be determined by the Council. In its first review, the Council expressed its satisfaction with the growth of the guarantee program of MIGA and the reorientation of its technical assistance programme. The Council further resolved that the Board of Directors undertake a study of the measures to be adopted to assure capital and reserves adequacy into the future; and that the next periodic review take place during fiscal year 2000, unless circumstances require that such review be undertaken earlier.

(iii) *Guarantee operations*

MIGA issues investment guarantees to foreign investors in its developing member countries, against the major political (i.e., non-commercial) risks of expropriation, currency inconvertibility or transfer, and war and civil disturbance. As of 31 December 1994, MIGA had issued 129 contracts of guarantee, totaling about US$ 1.3 billion in maximum contingent liability. In addition, MIGA had four commitment letters outstanding for $190 million of potential additional coverage. Aggregate foreign direct investment facilitated by these projects was more than $6.8 billion. Investors holding MIGA guarantees for the same period were from: Belgium, Canada, Denmark, France, Germany, Japan, Luxembourg, Netherlands, Norway, Saudi Arabia, Spain, Switzerland, United Kingdom and United States. Similarly, host countries of MIGA guaranteed investments during this time period included: Argentina, Bangladesh, Brazil, Bulgaria, Cameroon, Chile, China, Costa Rica, Czech Republic, El Salvador, Ghana, Guyana, Honduras, Hungary, Indonesia, Jamaica, Kazakhstan, Madagascar, Morocco, Pakistan, Peru, Philippines, Poland, Russia, Trinidad and Tobago, Turkey, Uganda, United Republic of Tanzania, and Uzbekistan.

(iv) *Host Country Investment Agreements between MIGA and Its member States*

As directed by article 23(b)(ii) of the Convention, the Agency concludes bilateral legal protection agreements with developing member countries to ensure that MIGA is afforded treatment no less favourable than that accorded by the member country concerned to an State or other public entity in an investment protection treaty or any other agreement relating to foreign investment with respect to the rights to which MIGA may succeed as subrogee of a compensated guarantee holder. As of 31 December 1994, MIGA had concluded 64 such agreements. In 1994, the Agency concluded agreements with Côte d'Ivoire, Georgia, India, Kyrgyzstan, Madagascar, Nepal, Papua New Guinea, Philippines, Russian Federation, Senegal, South Africa, Turkmenistan and Uzbekistan.

In accordance with the directives of article 18(c) of the Convention, the Agency also negotiates agreements on the use of local currency. These agreements enable MIGA to dispose of local currency in exchange for freely usable currency, acquired by it as a result of subrogation arising from a claim pad by the Agency. As of 31 December 1994, MIGA had concluded 69 such agreements. In 1994, the Agency concluded agreements with the following countries: Côte d'Ivoire, Georgia, Honduras, India, Kyrgyzstan, Madagascar, Nepal, Papua New Guinea, Philippines, Russian Federation, Senegal, South Africa, Turkmenistan and Uzbekistan.

Article 15 of the Convention requires that before issuing a guarantee MIGA obtain the approval of the host member country in which the investment is contemplated. In order to expedite the process, MIGA negotiates arrangements with the host country Governments that provide a degree of automaticity in the approval procedure. As of 31 December 1994, MIGA had concluded 77 such agreements. In 1994, the Agency concluded agreements with the following 13 countries: Costa Rica, Côte d'Ivoire, Honduras, India, Jordan, Lebanon, Nicaragua, Nepal, Papua New Guinea, Philippines, Senegal, South Africa, Turkmenistan.

(*d*) International Centre for Settlement of Investment Disputes

(i) *Signatures and ratifications*

During 1994, the Convention on the Settlement of Investment Disputes between States and Nationals of Other States (the ICSID Convention)[295] was signed by five countries: Nicaragua, Slovenia, Spain, Saint Kitts and Nevis and Uzbekistan. Two of these — Slovenia and Spain — as well as Argentina, Slovakia and Zimbabwe, ratified the ICSID Convention in the course of the year. With these new signatures and ratifications, the number of signatory States and Contracting States reached 131 and 115 respectively.

(ii) *Disputes before the Centre*

During 1994, conciliation proceedings were instituted in one new case, *SEDITEX* v. *Government of Madagascar* (case CONC/94/1), and arbitration proceedings were instituted in two new cases, *Philippe Gruslin* v. *Government of Malaysia* (case ARB/94/1) and *Tradex Hellas S.A.* v. *Republic of Albania* (case ARB/94/2). In two cases, *Vacuum Salt Products Limited* v. *Government of the Republic of Ghana* (case ARB/92/1) and *Scimitar Exploration Limited* v. *People's Republic of Bangladesh and Bangladesh Oil, Gas and Mineral Corporation* (case ARB/92/2), the proceedings were concluded with awards declining jurisdiction over the disputes.

As of 31 December 1994, one other case was pending before the Centre: *American Manufacturing & Trading, Inc.* v. *Republic of Zaire* (Case ARB/93/1).

6. INTERNATIONAL MONETARY FUND

(*a*) Membership issues

(i) *Accession to membership*

The Fund's membership increased by one country in 1994, as Eriterea became a member of the Fund on 6 July 1994 with a quota equaling SDR 11.5 million.[296] A member's quota determines it subscription payment to the Fund, it voting power in the Fund, its maximum access to the Fund's financial resources, and its share in the allocation of special drawing rights (a reserve asset created by the Fund pursuant to article XVIII of the Fund's Articles of Agreement) if and when made. A member's quota is calculated on the basis of certain formulas that take into account such economic factors as a member's gross domestic product, current account transactions, the variability of current receipts, and official reserves. With the accession of Eriteria, the total number of Fund's membership, as of 31 December 1994, has increased to 179 countries.

(ii) *Status under article VIII or article XIV*

Under article XIV, section 2, of the Fund's Articles of Agreement, a member may elect, when joining the Fund, to avail itself of the transitional arrangements and, thus, may maintain restrictions on the making of payments and transfers for current international transactions that were in existence at the time it becomes a Fund member. Article XIV does not, however, permit a member to introduce new restrictions on the making of payments and transfers for current international transactions. Members of the Fund accepting the obligations of article VIII, sections 2, 3, and 4 undertake, among other things, to refrain from imposing any restrictions on the making of payments and transfers for current international transactions or engaging in multiple currency practices without the Fund's approval. During 1994, the following 15 member countries that have accepted these obligations (as of 31 December 1994) to 98 members: Bangladesh, Estonia, Ghana, Grenada, India, Kenya, Latvia, Lithuania, Malta, Nepal, Pakistan, Paraguay, Sri Lanka, Uganda, and Western Samoa.

(iii) *Suspension of voting rights — Sudan and Zaire*

a. *Zaire*

In the second application of article XXVI, section 2(b) of the Fund's Articles following its revision under the Third Amendment of the Article of Agreement[297], which authorizes the Fund to take certain remedial actions against members that persist in their failure to fulfill any of the obligations under the articles, the Executive Board decided to suspend the voting and certain related rights of Zaire, effect 2 June 1994. The amended article XXVI, section 2(b), was first applied in 1993 against the Sudan when the Executive Board adopted the decision to suspend the Sudan's voting and other related rights.

The Executive Board reviewed the decision to suspend Zaire's voting rights on 16 December 1994 and decided that, unless Zaire resumes active cooperation with the Fund in the areas of policy implementation and payments performance, it would consider initiating the procedure for compulsory withdrawal at its next review scheduled to take place within six months.

b. *Sudan*

The procedure for compulsory withdrawal of the Sudan was initiated on 8 April 1994, pursuant to article XXVI, section 2(c), by the issuance of a complaint by the Managing Director of the International Monetary Fund. The complaint was considered by the Executive Board on 29 July 1994 and again on 16 September 1994. Since the issuance of the complaint, however, the Sudan has made a number of payments to the Fun and has agreed to a schedule of payments that would reduce the level of its arrears. As a result, although the Managing Director's complaint remained in effect as of end-December 1994, no further action was taken against the Sudan.

(*b*) Representation of member countries

Special circumstances in 1994 involving Haiti, Liberia, Rwanda, Somalia, the Sudan, and Zaire raised issues concerning their participation at the 1994 annual meetings. There were also issues relating to representation of countries whose membership applications were pending or at issue and attendance of observers to the annual meetings. These issues are briefly summarized below:

- *Haiti*: The Fund continued to accept the credentials of the Governor and Alternate Governor designated by the Government in exile of President Jean-Bertrand Aristide;
- *Liberia*: With the completion on 26 August 1994 of a review by the Fund's Executive Board of Liberia's overdue financial obligations to the Fund, the first since 1990, operational relations were reestablished between the Fund and Liberia, and the Governor and the Alternate Governor appointed by the Liberian authorities attended the annual meetings;
- *Rwanda*: Attendance of the Governors and Alternate Governors for Rwanda initially became an issue when in mid-1994 the Government of the assassinated President Habyarimana was ousted by the Rwandese Patriotic Front. The duly appointed delegates from Rwanda retained their positions and attended the annual meetings:
- *Somalia*: Because of the severity of the hostilities and belligerency confronted in Somalia, the Fund determined that there was no effective government in Somalia. Accordingly, it was decided that no delegation from that country should be authorized to attend the 1994 annual meetings;
- *Sudan*: Following the Fund's decision to suspend the Sudan's voting rights under article XXVI, section 2(b), the Governor and Alternate Governor appointed by Sudan had ceased to hold office in accordance with Schedule L of the Fund's Articles of Agreement. In this circumstance, the Sudan's attendance to the 1994 Annual Meetings would have been possible only if a request made by, or a matter particularly affecting, Sudan was under consideration at the Meetings. As this condition was not present, there was no basis for Sudan to participate in the 1994 annual Meetings;

• *Zaire*: As was the case with Sudan, because Zaire's voting and other related rights were suspended with effect from 2 June 1994, representatives of Zaire were barred from participating in the 1994 annual meetings.

• *New and Successor Members*:

— *Andorra and Brunei Darussalam*: Andorra and Brunei Darussalam had expressed their interest in applying for membership in the Fund. Accordingly, on that basis, the two countries were invited to attend the annual meetings as special guests;

— *Former Socialist Federal Republic of Yugoslavia*: In December 1992 the Fund decided that the Socialist Federal Republic of Yugoslavia had ceased to exist as a member and established a mechanism under which, when certain conditions were met, each of the five successor republics of the Socialist Federal Republic of Yugoslavia could succeed to the membership of the Socialist Federal Republic of Yugoslavia. The five successor republics of the former Socialist Federal Republic of Yugoslavia are: Federal Republic of Yugoslavia (Serbia and Montenegro), Republic of Bosnia and Herzegovina, Republic of Croatia, Republic of Slovenia, and the former Yugoslav Republic of Macedonia. In accordance with these decisions, the Republic of Croatia, the Republic of Slovenia, and the former Yugoslav Republic of Macedonia became members of the Fund in 1993. As of the 1994 annual meetings, the Republic of Bosnia and Herzegovina and the Federal Republic of Yugoslavia (Serbia and Montenegro) had not become members of the Fund. On the recommendation of Executive Board, representatives of the Republic of Bosnia and Herzegovina were invited to attend the 1994 annual meetings as observers.

• *Attendance of observers*: Section 5(b) of the Fund's By-laws provides that the Chairman of the Board of Governors, in consultation with the Executive Board, may invite observers to attend any meeting of the Board of Governors. Pursuant to that provision, the Fund has traditionally invited other international and regional organizations to attend the Annual Meetings as observers. In August 1994, on the recommendation of the Executive Board, the Board of Governors decided to cease applying a 1980 resolution designed to prevent the participation of the Palestine Liberalization Organization (PLO) as an observer at the Annual Meetings. The Chairman of the Board of Governors had decided in the same year that no observers would be invited unless the attendance of the PLO was made possible. This policy was followed (except for Switzerland) for successive annual meetings. Following the August 1994 decision, however, invitations were extended to the entities that had been invited to the 1979 meetings and to certain additional entities, including the PLO.

(*c*) Fund facilities

(i) *Compensatory and Contingency Financing Facility (CCFF)*

On 24 June, 1994, the Executive Board adopted a decision that extends the period within which a member may obtain financial assistance from the Fund under the cereal imports component of the Compensatory and Contingency Financing

Facility (CCFF) from 30 June 1994 to 13 January 1996. CCFF is a policy of the Fund on the use of its resources in the General Resources Account adopted pursuant to article V, section 3 of the Articles. It is intended to provide financial assistance to member countries that are experiencing balance of payments difficulties arising out of: (i) temporary export shortfalls, (ii) adverse external contingencies, (iii) excess cost of cereal imports, or (iv) excess cost of oil imports. (Financial assistance under the element of CCFF relating to financing for excess in oil import cost expired at the end of 1991). The purpose of extending this component of CCFF was to enable the Executive Board to take into account the Fund's experience with all of CCFF components at the time of its review of the CCFF decision.

(ii) *Enhanced Structural Adjustment Facility (ESAF)*

On 23 February 1994, the Executive Board determined that conditions had been met to put into effect decisions on the continuation of the Enhanced Structural Adjustment Facility (a policy by which the Fund provides financial assistance on highly concessional terms to low-income countries undertaking macroeconomic adjustment and structural reform policies) and the enlargement of the overall resources of the ESAF Trust. These decisions were approved in December 1993, as were the necessary amendments and other proposed changes to the provisions of the Instrument to Establish the ESAF Trust, and were conditioned on, among other things, the Executive Board determination that sufficient contributions to the Loan and Subsidy Accounts of the ESAF Trust were committed or in firm prospect to initiate operations under the enlarged and amended ESAF Trust.

(iii) *Systemic Transformation Facility (STF)*

During the course of 1994, the Fund made two important amendments to the provisions of the decision establishing the Systemic Transformation Facility (STF), which is a temporary facility established in April 1993 to provide financial assistance to the members with economies in transition that face balance of payments difficulties arising from severe disruptions to their trade and payments arrangements owing to a shift from reliance on trading at nonmarket prices to multilateral, market-based trade. First, the interval between the first purchase and the second purchase under the STF was extended from twelve months to eighteen months (financing under the STF decision is to be furnished in two tranches). Second, the period within which an eligible member may make the first purchase under the STF was extended from 31 December 1994 to 30 April 1995. An eligible member's maximum access to the Fund's resources under the STF decision continues to be limited to 50 per cent of quota.

(iv) *Increase in Annual Access Limit under Stand-By Arrangement and Extended Arrangement*

The Executive Board decision that provides guidelines on access limits to the Fund's general resources under the credit tranche policies and the Extended Fund Facility[298] was amended on 24 October 1994 to increase the annual access limit from 68 per cent of quota to 100 per cent of quota. The cumulative access limit (net of scheduled repurchases) to the Fund's general resources under a stand-by arrangement or an extended arrangement remains unchanged at 300 per cent of quota. Under exceptional circumstances, however, the amount of resources committed under a stand-by arrangement or an extended arrangement may exceed these limits. The purpose of increasing the annual access limit was to provide confidence to members with poten-

tially large financing needs, including those members with economies in transition, that the Fund is prepared, while preserving its catalytic role, to support their economic and financial programs in a timely manner and on an appropriate scale.

(v) *Policy Developments*

a. Proposal to Establish Policies on Currency Stabilization Funds

The Executive Board met in December 1994 to begin consideration of the possibility of the Fund's involvement in financing of currency stabilization funds, which could, in certain circumstances, assist countries adopting a nominal exchange rate anchor in the context of a strong stabilization program. It was envisaged for discussion purposes that the resources of a currency stabilization fund would be made available for use by members to engage in short-term interventions in the foreign exchange market to counter short-term exchange market pressures. While many Executive Directors expressed general interest and support for the proposal, a number of Executive Directors pointed out that the existing Fund policies were adequate in providing the necessary support for the members' exchange rate policies. It was decided that the Executive Directors would take up this matter again at a later time.

b. Proposal to Establish Short-Term Financing Facility

Recognizing the concerns about the high degree of volatility of capital flows and exchange rates, the Executive Board met in November 1994 to consider the Fund's role in providing prompt financial support through the establishment of the short-term financing facility to member countries that might experience very short-term balance of payments or exchange market pressures. Although Executive Directors were in agreement of the need to continue their efforts in improving the Fund's capacity to assist member facing sudden market disturbances, they expressed differing views on the issue of creating a new facility in the Fund for this purpose and agreed to defer deciding on the establishment of a possible short-term financing facility in the Fund.

(*d*) Debt and debt-service reduction operations—amendment

The Fund provides support for debt reduction operations of member countries on a case-by-case basis. In order to facilitate commercial bank restructuring for some countries with difficult debt situations, the Executive Board agreed on 7 January 1994 to modify its May 1989 guidelines on the Fund's support for debt reduction operations. The guidelines provide that the financing of such operations is to be linked to medium-term adjustment programs of the member country concerned and adopted in the context of stand-by or extended arrangements. Additionally, such financing would be derived by setting aside part of the member's access under a stand-by or an extended arrangement and, in appropriate cases, by augmenting the amount of resources made available to the member concerned under the arrangement approved for that member. Under the original guidelines, the amount that is set aside from purchases made under an arrangement was to be used by the member exclusively to support operations involving principal reduction, such as debt buyback or discount exchanges. The additional resources provided to members through

augmentation of access amounts under an arrangement were to be used for interest support in connection with debt and debt-service reduction operations or for collateralization of principal in reduced par bond exchanges. Under the modified guidelines, this segmentation was eliminated and both set-asides and additional resources from augmentation may be used to support operations involving "debt reduction, interest support for debt and debt-service reduction, and principal collateral for reduced-interest par bonds."[299] As a result of the elimination of the segmentation requirement in the guidelines, a number of consequential amendments were also made to the Executive Board decision on early repurchase expectations,[300] which specifies the circumstances under which a member that has availed itself of the Fund's support for debt reduction operations can be expected to make an early repurchase of the set-aside amounts and additional resources.

(*e*) Review of quotas

(i) *General Review of Quotas*

a. *Ninth General Review of Quotas*

Article III, section 2(a), of the Fund's Articles of Agreement requires the Board of Governors to conduct a general review of quotas at intervals of not more than five years. The Ninth General Review of Quotas was completed with the adoption of a resolution by the Board of Governors (effective 28 June 1990) authorizing a 50 per cent increase in the total Fund quotas.[301] Under that resolution, the increase in a member's quota was made contingent on that member (i) providing a notice to the Fund of its consent to the increase by 31 December 1991 and (ii) fully paying the increase in quota in full within 30 days after the later of (a) the date on which it notifies the Fund of its consent, or (b) the date on which the duly authorized notice was given to the Fund. As had been done in 1991 through 1993, the deadlines for consent and payment periods for the quota increase pursuant to the Ninth Quota Review were further extended in 1994. Initially, the consent period was extended to 30 December 1994 and the payment period to 779 days after the later of (a) the date on which it notifies the Fund of its consent or (b) 11 November 1992. Effective as of 23 December 1994, the Board further extended the consent period to 30 June 1995 and the payment period to 961 days after the later of (a) the date on which it notifies the Fund of its consent or (b) 11 November 1992. The deadlines were extended to account for certain countries whose application for membership was pending and for certain countries that were members on 30 May 1990, but were in arrears to the Fund's General Resources Account and were thus prevented from consenting to, and paying for, the increase in quota.

Following its clearance of arrears to the Fund, Sierra Leone consented to the quota increases determined under the Ninth General Review of Quotas. In authorizing the increase of the quotas, the Board of Governors, acting on the recommendation of the Executive Board, had decided not to permit members with overdue financial obligations to the Fund to give effect to the quota increase while they remained in arrears to the Fund. Accordingly, while Sierra Leone was in arrears to the Fund, it was barred from giving consent to, and paying for, the quota increase.

b. *Tenth General Review of Quotas*

In March and December 1994, the Committee of the Whole for the Tenth General Review of Quotas met to consider quota calculations using updated data through 1990 and a staff paper on the working of the quota formulas. On the basis of the report submitted by the Committee, the Executive Board concluded in December 1994 that the overall size of the Fund quotas was for the time being sufficient to enable Fund to promote its purposes and fulfill effectively its central role in the international monetary system. Accordingly, the Executive Board recommended that the Tenth General Review of Quotas be concluded without an increase in quotas. The next general quota review is to be concluded by March 1998.

(ii) *Special Review of Quotas*

In concluding the Ninth General Review of Quotas with the proposal to provide for a general increase in quotas, the Board of Governors had not proposed an increase in quota for Cambodia because it had not participated in the quota review. Subsequently, Cambodia requested, and was granted (in March 1994), an ad hoc increase in its quota, following settlement of its arrears and normalization of its relations with the Fund. As a result, Cambodia's quota was increased from SDR 25 million to SDR 65 million.

(*f*) Joint Vienna Institute

The Joint Vienna Institute (JVI) which began operations in September 1992 as a cooperative venture of the Fund and four other international organizations (Bank for International Settlements, European Bank for Reconstruction and Development, International Bank for Reconstruction and Development and Organization for Economic Cooperation and Development) to train officials and private sector managers from former centrally planned economies was established as an international organization on 19 August 1994 when its charter, the Agreement for the Establishment of the Joint Vienna Institute, came into effect.[302] Under the Agreement, the structure of JVI consists of an Executive Board, an Advisory Committee, a Director and staff. The first Executive Board meeting of JVI was held on 26 and 27 September 1994.

(*g*) Openness

In response to public demand for greater openness and access to information not readily available elsewhere, the Fund decided in July 1994 to publish the reports on recent economic developments of member countries, including the statistical annexes and appendices relating thereto, prepared by the Fund's staff, provided that the member country concerned does not object to its publication. These reports serve as background information for the Fund's consultation with member countries carried out pursuant to article IV of the Fund's Articles of Agreement.

7. INTERNATIONAL CIVIL AVIATION ORGANIZATION

(*a*) Legal meetings

The 29th session of the Legal Committee was held at Montreal from 4 to 15 July 1994. The main item on the agenda of the Committee was the subject: "Consideration, with regard to global navigation satellite systems (GNSS), of the establishment of a legal framework". The Legal Committee approved a draft agreement for the immediate future between the International Civil Aviation Organization and the provider(s) of the GNSS signal regarding the provision of signals for GNSS services and a checklist of items to be considered in contracts for GNSS signal provision with signal providers in the context of long-term GNSS. The Committee furthermore recommended to the ICAO Council to set up a panel of legal and technical experts for the elaboration of an internationally acceptable legal framework for the long-term implementation of GNSS. The Committee also reviewed its general work programme. A regional legal seminar on air law attended by 49 participants from 12 States and one international organization from the Middle East region was held at Beirut from 19 to 21 April 1994 to discuss major issues and challenges in the legal field.

(*b*) Work programme of the Legal Committee

The 29th session of the Legal Committee, after reviewing its General Work Programme, decided to retain its work programme as indicated below with the subjects appearing in their order of priority:

(i) Consideration, with regard to global navigation satellite systems (GNSS), of the establishment of a legal framework;

(ii) Action to expedite ratification of Montreal Protocols[303] Nos. 3 and 4 of the "Warsaw System";

(iii) Study of the instruments of the "Warsaw System";

(iv) Liability rules which might be applicable to air traffic services providers as well as to other potentially liable parties — liability of air traffic control agencies; and

(v) United Nations Convention on the Law of the Sea — implications, if any, for the application of the Chicago Convention;[305] annexes and other international air law instruments.

At its 143rd session in October, the Council, after noting the report of the Legal Committee, deferred action on the General Work Programme of the Legal Committee and requested the Secretary-General to document the recommendation of the Legal Committee to set up a panel of legal and technical experts for the elaboration of an internationally acceptable legal framework for the long-term implementation of GNSS.

8. INTERNATIONAL TELECOMMUNICATION UNION

(*a*) Constitutional matters

On 1 July 1994, a new Constitution and Convention of the ITU[306] entered into force between the parties that had deposited their instrument of ratification, acceptance, approval or accession by that date. These new instruments were adopted, in December 1992, by the Union's Additional Plenipotentiary Conference (APP) held at Geneva, the seat of the Union. They are intended to maintain the pre-eminence of the Union in the world of telecommunications by adapting its organizational and functional structure to the challenges and changes taking place in the global telecommunication environment.

The new Constitution and Convention of ITU are intended to represent a significant departure in the legal framework and practice of the Union. Since its origin in 1865, as the first intergovernmental organization, ITU has periodically adopted a new constituent or basic instrument in the form of a Convention at each succeeding Plenipotentiary Conference. In 1992, however, the Union adopted a more-or-less permanent set of constituent instruments for the future, and this new policy greatly influenced the contents and structure of the new Constitution and Convention signed at Geneva. For the first time in its history, ITU adopted a Constitution, the provisions of which are complemented by those of the new Convention. It is further intended that matters that require more frequent revision should be relegated to the Convention or other ancillary instruments. Accordingly, at the 1994 Plenipotentiary Conference that was held in Kyoto, Japan, only a few small amendments to the 1992 Constitution and Convention were approved, and it was agreed to consider whether provisions dealing with more procedural aspects of the Union's activities could be removed from the 1992 Convention and placed in a separate instrument.

It is also noteworthy that, pursuant to resolution 1, adopted by the 1992 APP, entitled "Provisional application of certain parts of the Constitution and the Convention of the International Telecommunication Union", the member States decided that certain provisions of the 1992 instruments should enter into effect as early as 1993. Under the terms of that resolution, the new structure and working methods of the Union were to be applied provisionally as from 1 March 1993. Further, the 1992 Constitution and Convention added two new elements to the structure of ITU: a Telecommunication Development Bureau (BDT), headed by an elected official, and a Radio Regulations Board (RRB), consisting of nine members (working on a part-time basis unlike its predecessor, which was a full-time body). Resolution 1 also provided that the new Director of BDT should take office no later than 1 February 1993 and that the members of the then existing International Frequency Registration Board should discharge the duties of RRB until the taking of office of the members of the RRB to be elected at the 1994 Plenipotentiary Conference of the Union.

In creating a dual-track system of implementation for the new instruments, the decisions of the 1992 APP set forth a rather unique and innovative approach to the provisional application of treaties under international law. This procedure was designed to meet the practical needs of the union as well as to shorten the period for the institution of needed organizational changes.

The 1992 Constitution and Convention also introduced significant changes to the structure and functioning of ITU. The Plenipotentiary Conference remains the supreme organ of the Union and is now scheduled to meet on a regular basis, every four years. In addition to the quadrennial Conference, ITU comprises the Council, which acts on behalf of the Plenipotentiary and meets annually, world conferences on international telecommunications, a Radiocommunication Sector (including world and regional radiocommunication conferences, radiocommunication assemblies, a Radio Regulations Board, a number of technical Study Groups and the Radiocommunication Bureau), a Telecommunication Standardization Sector (including world telecommunications standardized conferences, a Telecommunication Standardization Bureau and also a number of technical Study Groups), a Telecommunications Development Sector (including world and regional telecommunication development conferences, a Development Bureau and Study Groups) and a General Secretariat. These bodies replaced the existing structures of the Union and, in some cases, new entities were created.

The 1992 instruments also continued the developing recognition of the role of non-governmental entities and organizations, including the private sector, in the work of the ITU. The Union remains an intergovernmental organization composed of Member States. In distinction to governments, who are designated as Members of the Union, however, private companies are referred to in the applicable provisions of the instruments as "m"embers and may participate directly in the work of the Sectors of the ITU.

(*b*) Membership of ITU

During 1994, the following two States became members of the ITU: Kyrgyzstan, Tajikistan. They had been preceded in 1993 by nine new Member States: Czech Republic, Georgia, Slovakia, Kazakhstan, Micronesia, Federated States of, the former Yugoslav Republic of Macedonia, Turkmenistan, Eritrea and Andorra. As of 31 December 1994, there were 184 members of the Union.

In 1994, 24 member States ratified and 29 acceded to the 1992 Constitution and Convention adopted at Geneva. As of the end of the year, 62 members had either ratified or acceded to those instruments.

(*c*) Legislative matters

(i) *Plenipotentiary Conference (PP-94)*

At the invitation of the government of Japan, the Plenipotentiary Conference of the union was held at Kyoto from 19 September to 14 October 1994.

The Conference was attended by 1,083 delegates from 151 of the 184 ITU member countries, as well as by observers from the United Nations, Asia-Pacific Telecommunity (APT), European Conference of Postal and Telecommunications Administrations (CEPT), Inter-American Telecommunications Conference (CITEL), Caribbean Telecommunications Union (CTU), League of Arab States (LAS), Pan-African Telecommunications Union (PATU), Arab Satellite Communications Organization (ARABSAT), European Space Agency (ESA), European Telecommunications Satellite Organization (EUTELSAT), International Mobile Satellite Organization (INMARSAT) International Telecommunications Satellite Organization

(INTELSAT) and Palestine. In accordance with article 8 of the 1992 Constitution, the agenda of the Conference included determining the general polices for fulfilling the purposes of ITU, adopting decisions on strategic policy and planning, establishing the basis for the budget, electing member States to serve on the Council, electing the officers of the Union and the members of the Radio Regulations Board, and considering and adopting amendments to the instruments of the Union. In pursuance of its mandate, the Conference also approved numerous resolutions and recommendations pertaining to telecommunications matters.

(ii) *The Council*

The annual session of the ITU Council was held at ITU headquarters in May 1994. The session was attended by representatives of 42 members of ITU. Among the major actions by the Council was the adoption of resolution 1055, which provided for the immediate restoration of the full rights of the Government of South Africa to participate in the conferences, meetings and activities of the Union. That action by the Council was affirmed by resolution 12 of the Kyoto Plenipotentiary Conference, thereby formally abrogating resolution 12 of the Nice Conference (1989), which had precluded such participation and which was a continuation of resolution 14 adopted by the Nairobi Conference (1982).

(iii) *World Telecommunication Development Conference (WTDC-94)*

In April 1994, the World Telecommunication Development Conference was held at Buenos Aires. That Conference adopted a final report, which included the Buenos Aires Declaration, the Buenos Aires Action Plan, resolutions and recommendations. The final report of the Conference was published in July 1994.

(*d*) Legal assistance and advice

The Legal Service, which became the Legal Affairs Unit (JUR) on 1 January 1992, first within the External Relations Department and then in the Office of the Secretary-General, has continued to perform activities which have remained, in substance, similar to past years. The Legal Affairs Unit carried out studies and provided legal opinions on a broad range of documents in order to enable the Secretary-General to exercise fully his functions as legal representative of the Union in its relations with the Governments of States members of the Union, other international organizations and the host country. The Legal Affairs Unit has also exercised the legal functions entrusted to the Secretary-General in his role as depositary for international treaties and agreements. It was closely involved in the discussions conducted with the government of France on the sensitive issue of taxation of international civil servants and with Switzerland regarding the implications for ITU of the introduction of a value-added tax (VAT) in the host country.

In particular, the Unit conducted studies and provided legal opinions in respect of all types of documents and in a wide variety of areas, including general public international law, telecommunications law, treaty law, matters related to personnel, finance, development, privileges and immunities, the purchase and rental of equipment and services, the extension of existing buildings, and copyright and intellectual property. It has also participated actively in drafting revisions to the Staff Regulations and Staff Rules and of the Financial Regulations of the Union. In addition, the Legal Affairs Unit has been very active in preparing the numerous contracts and agreements reached

within the framework of the Union pursuant to the holding of regional and world telecommunication exhibitions. Finally, the Unit participated in the work of many conferences and meetings of the Union, including those mentioned above.

9. INTERNATIONAL MARITIME ORGANIZATION

(*a*) Membership of the Organization

During 1994 the following countries became members of the International Maritime Organization: Kazakhstan (11 March 1994), Namibia (27 October 1994) and Ukraine (28 March 1994). As at 31 December 1994, the number of members of IMO was therefore 150. There are also two associate members.

The reports of the two sessions of the Legal Committee held during 1994 are contained in documents LEG 70/10 and LEG 71/13 respectively.

(i) *Liability for damage caused by hazardous and noxious substances*

During 1994, the Legal Committee continued its consideration of a draft international convention on liability and compensation for damage in connection with the carriage of hazardous and noxious goods by sea (HNS Convention), as a priority subject. The Working Group of Technical Experts met at the March 1994 session of the Legal Committee to provide advice to the Committee on technical matters.

The Committee unanimously confirmed its previous preliminary decision that the prospective HNS Convention should consist of a two-tier system, providing for strict liability of the shipowner, supplemented by a second tier financed by cargo interests and that the shipowner's liability should covered by compulsory insurance.

With regard to the main elements of the second tier, the Committee based its consideration on the assumption that the obligation to pay contributions should be imposed on the importer/receiver. The Committee was almost unanimous in its support for a system based on post-event contributions to the second tier, although it agreed that in some cases the possibility of pre-event contributions should not be eliminated. It was established that the second tier should consist of a general account and a limited number of separate accounts. The general account would include two sectors, the first with contributions in respect of gaseous, liquid and solid chemicals, the second from large volume and low hazard substances. It was agreed that two separate accounts, oil and liquified natural gas (LNG), should be named in the draft and that liquified petroleum gas (LPG) should be inserted within square brackets. The naming of other special accounts should be considered as an option left to the diplomatic conference. The issues of whether there would have to be appropriate entry into force conditions to guarantee the viability of the accounts as well as the procedure for establishing new accounts and suspension of existing accounts were addressed by the Committee.

The issue of whether the accidental discharge of wastes in transit to a dumping site should be included within the scope of the HNS Convention was addressed by the Committee. It was agreed that the list of substances under the definition of HNS be amended to include the carriage of all wastes covered by the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter, 1971,[307] as amended.

Other outstanding issues were considered. The Committee agreed to include within square brackets a proposal regarding the collection of levies in respect of domestic voyages within the scope of the convention concluding however that a final decision on the minimum tonnage for small ships as well as the limitation amount would have to be adopted at the diplomatic conference. The Committee also decided that informal consultations should continue with a view to reaching decisions regarding the degree of exclusion of radioactive substances and the linkage with other limitation regimes.

The Committee instructed the IMO Secretariat to prepare a new draft HNS Convention for its consideration and approval at the next session and for submission for the consideration of a diplomatic conference early in 1996. The Committee agreed to conclude work on the draft HNS Convention at the spring session of 1995.

(ii) *Consideration of possible revision of the Convention on Limitation of Liability for Maritime Claims, 1976*[308]

The Legal Committee continued with the consideration of a draft protocol to amend the Convention on Limitation of Liability for Maritime Claims, 1976 (LLMC). The Committee confirmed its view that the scope of revision should extend only to the limits and procedures for amendments and agreed that the conclusion of the work on this agenda item should coincide with the conclusion of the work on the HNS Convention.

The Committee addressed the issue of updating the limits of compensation for passenger claims to correspond to the Protocol of 1990[309] to amend the Athens Convention relating to the Carriage of Passengers and their Luggage by Sea, 1974.[310] There was overwhelming support to remove the overall ceiling per incident in respect of passenger claims for death and personal injury, which would have the effect that individual passenger claims would only be limited in accordance with the Athens Convention relating to the Carriage of Passengers and their Luggage by Sea, 1974 and corresponding regimes. However, in view of the reservations by some delegations, no decision was reached on this point.

The Committee also considered the question of the linkage between the LLMC Protocol and the HNS Convention and the erosion of the special drawing rights (SDR) and its impact upon the value of the limits of compensation in real terms. In the light of the recent ferry tragedy in the Baltic, it was suggested that the introduction of compulsory insurance should be considered to ensure that sufficient compensation would be available. However it was noted that this matter, which would require careful consideration as well as consultation with the insurance policy, was raised too late to be dealt with in the ongoing revision of the Convention. The Committee therefore decided that the subject should be included in the work programme of the Committee for the 1996-1997 biennium and would be a priority subject in 1995.

(iii) *Work methods and organization of work*

The Committee agreed to adopt Draft Guidelines on Work Methods and Organization of Work of the Legal Committee submitted by the Chairman, on the understanding that the matter would be reviewed at the autumn session in 1995.

(iv) *Technical Cooperation subprogramme for maritime legislation*

The Legal Committee took note of the inclusion of the Subprogramme for Maritime Legislation in the Integrated Technical Cooperation Programme which was adopted by the Technical Cooperation Committee at its thirty-seventh session on 19 November 1992. The Committee further noted the information and progress report on the implementation of the subprogramme from January to June 1994.

(v) *Consideration of the application of the 1969 Civil Liability Convention*[311] *in cases of bareboat charter*

The Legal Committee took note of the study on bareboat charter registration prepared by the Comité Maritime International (CMI) at the request of the Legal Committee. It was recognized that, although the information provided showed no uniformity in the actual practice in those States which allow bareboat charter registration, no problems had arisen and no specific action was therefore requested of the Committee.

(vi) *Legal issues regarding the application of uniform regional standards to fishing vessels entitled to fly the flag of States not bound by these standards under the 1993 Torremolinos Protocol*[312]

On the invitation by the IMO Council to examine with high priority the issues raised in connection with the Torremolinos Protocol of 1993 relating to the Torremolinos International Convention for the Safety of Fishing Vessels, 1977.[313] The Committee continued its consideration of the issues raised on the basis of the information provided by the Secretariat, the comments of the United Nations Division for Ocean Affairs and the Law of the Sea, and a submission by one Member Government. In response to the question whether uniform regional standards could be applied to fishing vessels entitled to fly the flag of States not party to such regional arrangements and operating in the region concerned, the Committee concluded that the following advice be communicated to the Council:

— For present purposes, "operating" is interpreted to mean vessels engaged in fishing;

— A vessel operating in internal waters and the territorial sea is under the complete control of the coastal State;

— In respect of a vessel operating in the exclusive economic zone, there was a difference of opinion as to the legal basis for the imposition of regional safety standards. Some thought that article 62 of UNCLOS was a sufficient basis, while others though that this could only be done on the basis of bilateral or multilateral agreements binding on the flag State;

— In respect of vessels operating on the high seas there is exclusive flag State jurisdiction, and regional standards can be imposed only on the basis of bilateral or multilateral agreements binding on the flag State.

(vii) *Wreck removal and related issues*

The Legal Committee recalled its decision to maintain the subject of wreck removal and related issues in its work programme on the understanding, however, that it would not be dealt with until work on the priority items had been concluded. In relation to a submission by one delegation regarding the inclusion of liability provisions in a new convention on wreck removal and related issues, the Committee

noted that provisions on liability matters are included in the draft convention on wreck removal and related issues which is under preparation. The Committee decided that the subject of wreck removal and related issues should be included in the work programme of the Committee for the 1996-1997 biennium.

(*b*) Amendments to Treaties

The following amendments were adopted by the tacit amendment procedure with the dates for deemed acceptance and entry into force indicated in the columns below.

(i) *1994 Amendments to the International Convention for the Safety of Life at Sea, 1974, as amended; (new chapters IX, X, XI)*

A Conference of Contracting Governments to the International Convention for the Safety of Life at Sea, 1974 was convened from 17 to 24 May 1994 to consider and adopt amendments to article VIII (an accelerated amendment procedure) and the annex to the 1974 SOLAS Convention.

The Conference did not accept the draft amendment to article VIII, which introduced an accelerated amendments procedure. It noted, however, that any Conference under the current provisions on the so-called tacit amendment procedure could reduce the period between adoption of an amendment and its entry into force and resolved that such a decision could be taken in exceptional circumstances, if determined by a three-quarter majority of Contracting Governments present and voting.

The Conference adopted the following new chapters to be added to the annex to the SOLAS Convention:

— Chapter IX on management for the safe operation of ships;

— Chapter X on safety measures for high speed craft;

— Chapter XI on special measures to enhance maritime safety (i.e. the provision of a legal basis for port State control of operation requirements).

It also agreed certain amendments to appendix 1 dealing with forms of certificates.

	Deemed acceptance	*Entry into force*
New Chapter IX	1 January 1998	1 July 1998
New Chapter X, XI and other amendments	1 July 1995	1 January 1996

(ii) *1994 Amendments to the International Convention for the Safety of Life at Sea, 1974, as amended (chapters V, II-2, IGC Code and chapters VI, VII)*

a. The Maritime Safety Committee at its sixty-third session (May 1994) adopted by resolution MSC.31(63) amendments to chapter V of the Convention relating to ship reporting systems and emergency towing, set out in annex 1 to the resolution; and amendments to chapter II-2 of the Convention relating to arrangements for flammable oils, set out in annex 2 to the resolution.

b. At the same session the Maritime Safety Committee also adopted by resolution MSC.32(63) amendments to the International Code for the Construction and Equipment of Ships Carrying Liquified Gases in Bulk (IGC Code).

c. The Maritime Safety Committee at its sixty-fourth session (December 1994) adopted by resolution MSC.42(64) amendments to chapters VI of the above-mentioned Convention relating to Cargo Information, stowage and securing and VII relating to documents and stowage requirements.

	Deemed acceptance	*Entry into force*
Resolution MSC.31(63) annex 1 amendments	1 July 1995	1 January 1996
Resolution MSC.31 (63) annex 2 amendments	1 January 1998	1 July 1998
Resolution MSC.31(63)	1 January 1998	1 July 1998
Resolution MSC.42 (64)	1 January 1996	1 July 1996

(iii) *1994 Amendments to the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto*

A Conference of Parties to the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto, adopted on 2 November 1994 amendments to annexes I, II, III and V of MARPOL 73/78, relating to port State control on operational requirements.

Deemed acceptance	*Entry into force*
3 September 1995	3 March 1996

(iv) *1994 Amendments to the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978, as amended*

The Maritime Safety Committee at its sixty-third session (May 1994) adopted by resolution MSC.33(63), amendments to chapter V of the Convention relating to special training requirements for personnel on tankers.

Deemed acceptance	*Entry into force*
1 July 1995	1 January 1996

(v) *1994 Amendments to the Convention on the International Maritime Satellite Organization (INMARSAT); as amended*

On 9 December 1994, the assembly of INMARSAT adopted amendments to the Convention relating to changing the title and text of the Convention by replacing "International Maritime Satellite Organization (INMARSAT) with "International Mobile Satellite Organization (INMARSAT)", and "INMARSAT" with "Inmarsat", respectively, and relating to the Council composition.

The amendments to the Convention will enter into force 120 days after their acceptance by two thirds of the States Parties to the Convention at the time of the adoption of the amendments, and representing at least two thirds of the total investment shares.

(vi) *1994 Amendments to the Operating Agreement on the International Maritime Satellite Organization (INMARSAT), as amended*

On 9 December 1994 the Assembly of INMARSAT confirmed the adoption of amendments to the Operating Agreement which were approved by the Council of INMARSAT at its forty-seventh session relating to changing the title and text of the Operating Agreement by replacing "International Maritime Satellite Organization (INMARSAT)" with "International Mobile Satellite Organization (INMARSAT)" and "INMARSAT" with "Inmarsat", respectively.

The amendments to the Operating Agreement will enter into force 120 days after their approval by two thirds of the Signatories of the Operating Agreement at the time of the confirmation of the amendments, and holding at least two thirds of the total investment shares.

(*c*) Entry into Force of Instruments and Amendments

(i) *Instruments*

PROTOCOL [OF 1976] 314 TO THE INTERNATIONAL CONVENTION ON THE ESTABLISHMENT OF AN INTERNATIONAL FUND FOR COMPENSATION FOR OIL POLLUTION DAMAGE, 1971[315]

The conditions for the entry into force of this Protocol were met on 24 August 1994 with the deposit of an instrument of accession by Japan. In accordance with article VI, the Protocol entered into force on 22 November 1994.

(ii) *Amendments*

a. 1991 Amendments to the International Convention for the Safety of Life at Sea, 1974, as amended

The Maritime Safety Committee at its fifty-ninth session (May 1991) adopted by resolution MSC.22(59) amendments to chapter II-2, III, V, VI and VII of the Convention. The conditions for their entry into force were met on 1 July 1993 and the amendments entered into force on 1 January 1994.

b. 1992 Amendments to the International Convention for the Safety of Life at Sea, 1974, as amended

i. The Maritime Safety Committee at its sixtieth session (April 1992) adopted by resolution MSC.24(60) amendments to chapter II-2 of the Convention. The conditions for their entry into force were met on 1 April 1994, and the amendments entered into force on 1 October 1994.

ii. At the same session, the Maritime Safety Committee also adopted by resolution MSC.26(60), amendments to chapter II-2 of the Convention. The conditions for their entry into force were met on 1 April 1994, and the amendments entered into force on 1 October 1994.[316]

iii. The Maritime Safety Committee at its sixty-first session (December 1992) adopted by resolution MSC.27(61) amendments to chapter II-I, II-2, III, and IV of the Convention. The conditions for entry into force were met on 1 April 1994, and the amendments entered into force on 1 October 1994.[317]

iv. At the same session, the Maritime Safety Committee also adopted by resolution MSC.28(61), amendments to the International Code for the Construction and Equipment of Ships Carrying Dangerous Chemicals in Bulk (IBC Code) and by resolution MSC.30(61), amendments to the International Code for the Construction and Equipment of Ships Carrying Liquified Gases in Bulk (IGC Code). The conditions for entry into force were met on 1 January 1994, and the amendments entered into force on 1 July 1994.

c. 1992 Amendments to the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto (MARPOL 73/78)

i. The Marine Environment Protection Committee at its thirty-third session (October 1992) adopted by resolution MEPC.55(33), amendments to the International Code for the Construction and Equipment of Ships Carrying Dangerous Chemicals in Bulk (IBC Code) and by resolution MEPC.56(33), amendments to the Code for the Construction and Equipment of Ships Carrying Dangerous Chemicals in Bulk (BCH Code). The conditions for entry into force were met on 1 January 1994, and the amendments entered into force on 1 July 1994.

ii. At the same session, the Marine Environment Protection Committee also adopted by resolution MEPC.57(33), amendments to annex II to MARPOL 73/78 (designation of the Antarctic Area as a special area and lists of liquid substances in annex II). The conditions for entry into force were met on 1 January 1994 and the amendments entered into force on 1 July 1994.

iii. The Marine Environment Protection Committee at its thirty-third session (October 1992) adopted by resolution MEPC.58(33), amendments to annex III to MARPOL 73/78 (revised annex III). The conditions for entry into force were met on 30 August 1993, and the amendments entered into force on 28 February 1994.

d. 1993 Amendments to the Convention on Facilitation of International Maritime Traffic, 1965

The Facilitation Committee at its twenty-second session (April 1993) adopted by resolution FAL.4(22) a number of amendments to the annex to the Convention on Facilitation of International Maritime Traffic, 1965. The conditions for entry into force were met 1 June 1994 and the amendments entered into force on 1 September 1994.

e. 1993 Amendments to the Annexes to the Convention on the Prevention of Maritime Pollution by Dumping of Wastes and Other Matter, 1972, as amended

The Contracting Parties to the Convention adopted at their sixteenth Consultative Meeting on 12 November 1993 resolution LC.49(16) concerning phasing out sea disposal of industrial waste. At the same session the Contracting Parties to the Convention also adopted resolution LC.50(16) concerning incineration at sea and resolution LC.51(16) concerning disposal at sea of radioactive wastes and other radioactive matter.

In accordance with the terms of the resolution and article XV(2) of the Convention the amendments entered into force on 20 February 1994 for all Contracting Parties with the exception of those Contracting Parties which made a declaration of non-acceptance.[318]

10. WORLD INTELLECTUAL PROPERTY ORGANIZATION

(*a*) Development cooperation activities in the legal field

During 1994, WIPO received many requests for assistance from developing countries. A total of 108 developing countries, two territories and 12 inter-governmental organizations of developing countries benefited from WIPO's development

cooperation programme in the fields of industrial property and copyright and neighbouring rights. One hundred and one courses, seminars or other meetings were held at the global, regional or national levels, giving training or information to some 9,000 men and women from the government and private sectors. The travel and living expenses of some 1,050 men or women were borne by WIPO, donor member States of WIPO and intergovernmental organizations. Study visits were organized for 70 persons.

As for advisory missions relating to legislation and institution-building, 182 such missions were undertaken to 65 developing countries. The enactment of laws or the revision of existing ones remained the prime objective of missions dealing with legislation.

(*b*) Norm-setting activities

Regarding work on the setting of norms and the exploration of issues in possible need of norm-setting, the high-water mark was the unanimous adoption by the Diplomatic Conference, held in October in Geneva, of the Trademark Law Treaty (TLT).[319] The Treaty, which contains 25 articles and is accompanied by regulations comprising eight rules and eight model international forms, will greatly simplify and harmonize the procedures for the protection of trademarks, including service marks. It will save time and expenses for trademark owners and their representatives and will thereby, have a clearly positive impact in a global economic environment in which trademarks become increasingly important. The TLT is all the more necessary as important differences exist nowadays in the relevant laws in the various countries of the world. Harmonization of trademark law through the new Treaty will therefore benefit not only economic operators but also national and regional industrial property offices.

The Treaty's main features will bring about practical improvements in procedures before the trademark registry, such as the possibility of seeking registration of goods and services belonging to several classes by filing a single application; the obligation for all Contracting Parties to accept applications for the registration of service marks; the prohibition of the requirement of the legalization of signatures; the possibility to obtain the recording of changes in registrations belonging to the same owner through a single request, even where the changes concern several hundred registered marks; the prohibition for trademark registries to require compliance with registration formalities not expressly mentioned in the maximum list of the Treaty; the possibility of dividing applications and registrations into two or more applications or registrations without losing the original filing date; the unification, to 10 years each, of the initial term of registration and each renewal term.

Any State member of WIPO and certain intergovernmental organizations may become party to the TLT. The Treaty may be revised by a diplomatic conference and such a conference may also adopt protocols for the further development of the harmonization of laws on marks.

The TLT was opened for signature on 28 October 1994 and will remain open for signature at WIPO until 27 October 1995. By the end of 1994, it had been signed by 39 States. The Trademark Law Treaty will enter into force three months after five States have deposited their instrument of ratification or accession with the Director General of WIPO who is the depositary of the Treaty.

In October, the WIPO General Assembly decided that the Committee of Experts for the Settlement of Intellectual Property Disputes between States would meet again in 1995, before the September 1995 ordinary session of the WIPO General Assembly, and that the General Assembly, at that future session, would decide, *inter alia*, whether to hold a Diplomatic Conference for the Conclusion of a Treaty on the settlement of intellectual property disputes between States and, if so. when. The text of the proposed rules of procedure for the Diplomatic Conference had been considered and approved in a preparatory meeting held in February.

The Committee of Experts on a Possible Protocol to the Berne Convention,[320] which met in December, examined proposals for the inclusion in the Berne Protocol of provisions concerning the protection of computer programs, databases and the right of distribution, including the rights of rental and importation. The Committee also considered proposals for the abolition of non-voluntary licences for the sound recording of musical works and primary broadcasting and satellite communication, for the extension of the term of protection of photographic works and for the inclusion of provisions on the enforcement of rights.

The Committee of Experts on a Possible Instrument for the protection of the Rights of Performers and Producers of Phonograms, which met immediately afterwards, based its discussions on a memorandum prepared by the International Bureau containing proposals intended to modernize the international rules of protection of performers and producers of phonograms, taking into account such recent technological developments as digital technology. Discussion focused on proposed new definitions of key terms such as "performers", "fixation" and "phonograms" followed by an exchange of views on the economic rights of performers in their performances fixed in phonograms, the economic rights of producers of phonograms in their phonograms and, finally, the moral rights of performers and the right of adaptation of performers and producers of phonograms. Because of the shortness of time, several issues were put aside for later discussion, including the economic rights of performers in their live performances, "home copying" and enforcement of rights.

It was agreed that a further session of the two committees would be held jointly in 1995.

A Consultation Meeting was held in February on the possible establishment of a voluntary international numbering system for certain categories of literary and artistic works and for phonograms. The Consultation Meeting created four working groups on a possible numbering system for musical works and for phonograms, for computer programs, for printed works and for audio-visual works, respectively, all of which met and had useful discussions in the first half of 1994. Many participants felt that work on these issues should continue at the national and international levels.

Regarding the Patent Law Treaty, the Assembly of the Paris Union agreed in October that a Consultative Meeting for the Further Preparation of the Diplomatic Conference for the Conclusion of the Patent Law Treaty should be convened by the Director General of WIPO in the first half of 1995 in order to try to recommend solutions to the principal issues involved so that, in due course, the Diplomatic Conference could be reconvened. The results of the Consultative Meeting should be considered by the 1995 sessions of the Governing Bodies of WIPO. The proposed Treaty would no longer be referred to as a "Treaty Supplementing the Paris Convention as far as Patents are Concerned" but as the "Patent Law Treaty", with a view to delinking it from the Paris Convention for the Protection of Industrial Property,[321] that is, lifting the obligation of being a party to the Paris Convention as a condition for being a party to the proposed Treaty.

(*c*) WIPO Arbitration Center

The WIPO Arbitration Center became operational on 1 October 1994. The commencement of operations was preceded by various preparatory steps culminating in the first Meeting of the WIPO Arbitration Council in September. At that meeting, the WIPO Arbitration Council, comprising 10 eminent international experts, discussed the WIPO Mediation, Arbitration and Expedited Arbitration Rules and the model WIPO contract clauses and submission agreements, which subsequently entered into force on 1 October 1994. It further considered the composition of the WIPO Arbitration Consultative Commission, which was established by the Director General of WIPO. The Commission had 34 members on December 31, 1994.

(*d*) Countries in transition to a market-economy system

In 1994, WIPO's contacts with countries in transition to a market-economy system were primarily in connection with those countries' programmes for upgrading their intellectual property systems. Government leaders and officials from several of those countries had discussions in Geneva with the Director General and studied the International Bureau's work, while WIPO officials visited the capitals of several of the countries concerned to give further advice. A number of officials were invited for study visits at WIPO and to various countries. The International Bureau assisted them, on request, in the preparation of laws dealing with one or more aspects of intellectual property and gave advice on adherence to WIPO-administered treaties (principally by depositing with the Director General a declaration of continued application). Advice was also given on the establishment of administrative structures to implement those laws, while assistance and training were extended in relation to accession to WIPO-administered treaties. Staff members of the International Bureau lectured in seminars and meetings to promote awareness of the importance of intellectual property in those countries as well as in special training courses.

The International Bureau also gave advice and assistance relating to the Interstate Council on the Protection of Industrial Property (which groups nine States of the former Soviet Union, namely, Armenia, Belarus, Kazakhstan, Kyrghzstan, the Republic of Moldova, the Russian Federation, Tajikistan, Ukraine and Uzbekistan) on a plan to set up a regional patent system under the Eurasian Patent Convention.[322] That Convention was initialled in Geneva in February 1994, at the headquarters of WIPO, and signed by the plenipotentiary representatives of the said nine States in July in Minsk. The International Bureau participated actively in all the meetings that had taken place to draft and finalize the Convention.

(*e*) New adherences to Treaties

In 1994, there was a marked increase in the number of States party to treaties administered by WIPO. The following States became party to, *inter alia*, the following treaties (the figures in brackets indicate the total number of States party to the treaties on 31 December 1994):

(i) *Convention Establishing the World Intellectual Property Organization*: Andorra, Brunei Darussalam, Georgia, Guyana, Kyrgyzstan, Laos, Tajikistan (150);[323]

(ii) *Paris Convention for the Protection of Industrial Property*: Armenia, Estonia, Georgia, Guyana, Kyrgyzstan, Liberia, Lithuania, Paraguay, Singapore, Tajikistan (127);

(iii) *Berne Convention for the Protection of Literary and Artistic Works*: Estonia, Guyana, Lithuania, Russian Federation, United Republic of Tanzania (110);

(iv) *Madrid Agreement concerning the International Registration of Marks*: Armenia, Kyrgyzstan, Latvia, Republic of Moldova, Tajikistan (43);[324]

(v) *Hague Agreement concerning the International Deposit of Industrial Designs*: Republic of Modova, SlovEnia (25);[325]

(vi) *Nice Agreement concerning the International Classification of Goods and Services for the purposes of the Registration of Marks*: China, Latvia, Tajikistan (41);[326]

(vii) *International convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organizations*: Hungary, Iceland (47); [327]

(viii) *Locarno Agreement Establishing an International Classification for Industrial Designs*: Tajikistan (22);[328]

(ix) *Patent Cooperation Treaty (PCT)*: Armenia, Estonia, Georgia, Kenya, Kyrgyzstan, Liberia, Lithuania, Mexico, Republic of Moldova, Singapore, Swaziland, Tajikistan, Uganda (76);[329]

(x) *Strasbourg agreement concerning the International Patent Classification*: Tajikistan (28);[330]

(xi) *Convention for the Protection of Producers of Phonograms against Unauthorized Duplication of their Phonograms*: Colombia, Russian Federation (52);[331]

(xii) *Convention relating to the Distribution of Programme-Carrying Signals transmitted by Satellite*: Bosnia and Herzegovina (19);[332]

(xiii) *Budapest Treaty on the International Recognition of the Deposit of Micro-organisms for the purposes of Patent Procedure*: Latvia, Republic of Moldova, Singapore, Tajikistan (33);[333]

(xiv) *Nairobi Treaty on the Protection of the Olympic Symbol*: Republic of Moldova, Tajikistan (36);[334]

(xv) *Treaty on the International Registration of Audio-visual Works*: Colombia, Peru, Senegal (12).[335]

(*f*) Collection of intellectual property laws and treaties

WIPO continued to keep up to date its collection of the texts of laws and regulations of all countries and treaties dealing with industrial property, copyright and neighboring rights, both in their original languages and in English and French translations. Those texts were published in *Industrial Property Laws and Treaties* (*Lois et traités de propriété industrielle*) and *Copyright and Neighboring Rights Laws and Treaties* (*Lois et traités de droit d'auteur*) as well as in the monthly periodicals *Industrial Property*/*La porpriété industrielle* and *Copyright*/*Droit d'Auteur*. Since April 1994, WIPO has issued a CD-ROM, entitled "IPLEX", which contains the texts of treaties and legislation in the field of intellectual property.

11. INTERNATIONAL FUND FOR AGRICULTURAL DEVELOPMENT

(*a*) Membership

Approval of applications for non-original membership

At its Seventeenth Session (26-28 January 1994), the Governing Council approved the non-original membership in IFAD of Azerbaijan, Croatia, Eritrea, Mongolia, Tajikistan and the former Yugoslav Republic of Macedonia and decided that those seven States should be classified as members of category III in accordance with articles 3.2(b) and 13.1(c) of the Agreement Establishing IFAD and section 10 of the By-Laws for the Conduct of Business of the Fund.

(*b*) Review of IFAD'S Resource requirements and related governance issues

Establishment of a Special Committee of the Governing Council

The Seventeenth Session of the Governing Council noted with great concern the increased difficulties which IFAD had faced in mobilizing resources for replenishment, particularly for the Fourth Replenishment of IFAD's Resources, which seriously affected IFAD's ability to maintain its operations at an appropriate level. Accordingly, the Governing Council unanimously adopted resolution 80/XVII deciding that a Special Committee of the Governing Council be established consisting of 12 members from each of categories I, II and III, respectively, and be under the joint chairmanship of the Chairman of the Governing Council and the President of IFAD.

The Special Committee was requested to review the following issues: (a) the modalities of financing IFAD's operations; (b) the voting rights of member States; and (c) the composition of the Executive Board. In carrying out its work, the Special Committee was requested to keep in mind the final objective of recommending the necessary changes to enable IFAD to obtain a successful Fourth Replenishment and to facilitate future replenishments.

The Special Committee met in five sessions during 1994, at the end of which it agreed on a set of working principles to guide its work:

(i) There should be a link between individual contributions and voting rights so as to provide an incentive to all member countries to increase their contributions to IFAD's resources;

(ii) The total votes should be divided into two parts: membership votes, which would be distributed equally among members, irrespective of the level of their contributions; and contribution votes, which would be distributed in accordance with cumulative payment of contributions;

(iii) All member countries of IFAD should have equal access to both membership and contribution votes;

(iv) The important role of developing countries in the governance of IFAD should be preserved. This would be done by dividing the total votes between membership and contribution votes in such a way as to ensure that those members of the current category III always receive one third of the total votes as membership votes;

(v) To create sufficient incentive, it was agreed by the members that there be a balance between the weight given to past and future contributions;

(vi) The application of these principles would produce outcomes that are category or country group neutral;

(vii) On the question of arrears in making payments against contributions, for the purpose of calculating voting rights, members' contribution should continue to be adjusted to take into account the non-payment of contributions and non-payment against drawdown calls of the promissory notes.

The following agreements were reached, regarding:

(*a*) *The modalities of financing IFAD's operations*. Members all agreed that it would be desirable to increase the level of commitments but that issue was closely linked to the issues of replenishment, as well as IFAD's liquidity policies. The Special Committee did not reach a conclusion on a specific level of commitments since it was agreed that the appropriate commitment level should be decided upon completion of the Fourth Replenishment;

(*b*) *The voting rights of member States*; it was decided that:

(i) The initial position for the current 1,800 votes would be that all members would receive an equal number of membership votes (approximately five) and the remaining votes would be distributed according to members' paid cumulative contributions in convertible currencies up to the end of the Third Replenishment;

(ii) For future replenishments, beginning with the Fourth Replenishment, additional votes would be created at the rate of 100 votes for each US$ 158 million of replenishment contributions or a fraction thereof. The total additional votes created would be divided between membership and contribution votes in such a way as to ensure that those members of the current category III received one third of the total votes as membership votes with each membership vote being equal for all countries.

(*c*) *The composition of the Executive Board*:

(i) Priority attention should be given to appropriate and adequate regional and subregional representation;

(ii) The structure of membership of the Executive Board should reflect the role of developing countries in the governance of IFAD;

(iii) Members' cumulative paid contributions should be given due weight;

(iv) Members in arrears on the payment of their contributions and against which provisions were made should not be eligible for Executive Board membership or should cease to exercise the privilege of Executive Board membership.

It was agreed that the current number of 18 members and up to 18 alternates in the Executive Board should be retained. It was also agreed that countries from the current category I would share eight seats, countries from the current category II would share four seats and countries from the current Category III would share six seats on the Executive Board.

On the issue of the category structure of IFAD, the Special Committee recommended that the final text of the resolution dealing with governance issues would have the following two introductory paragraphs inserted:

"The International Fund for Agriculture Development (IFAD) is an institution unique within the United Nations family, established with the objective of enhancing agricultural development, with the focus on the food sector and the activities of poor farmers, and as a special partnership in which its members agreed to join together to raise funds and share in the governance arrangements. The Agreement Establishing IFAD accordingly organized membership into three categories in order to reflect this special character of the institution, in particular the contribution of oil-producing and exporting countries and other developing countries to IFAD's financing.

"The concept of partnership, and the idea of IFAD as a combined endeavour among industrialized countries, other donors and recipients for the joint determination of how best to achieve IFAD's objectives, for collective decision-taking on all matters pertaining to the operations of the organization and for the purposes of fund-raising, will continue under the new arrangements. The membership is not codified into formal categories in the revised

Agreements itself, reflecting the need for flexibility, in that country circumstances can be expected to change and evolve over time. However, the membership continues to work through groupings of like-minded countries for decisions on policy and operational matters, for the purpose of consultation over financial affairs including fund-raising, and for other reasons related to the governance of IFAD such as membership of governing bodies and character of IFAD. The formation of such groups will be further negotiated and decide by the various member countries themselves."

The report and recommendations of the Special Committee were forwarded by the Executive Board to the Governing Council for consideration at its Eighteenth Session.

(*c*) Amendment of IFAD's lending terms and conditions

The Governing Council, at its Seventeenth Session, adopted resolution 83/XVII amending IFAD's Lending Policies and Criteria. Loans to developing member countries of IFAD would continue to be provided upon highly concessional, intermediate and ordinary terms. The criteria for determining the terms to apply to a specific country would be as follows:

(i) Those developing member countries:

(*a*) Having a gross national product (GNP) per capita of US$ 805 or less in 1992 prices or classified as IDA-only countries, should normally be eligible to receive loans form IFAD on highly concessional terms. The total amount of the loans provided each year on highly concessional terms should amount to approximately two-thirds of the total amount lent annually by IFAD;

(*b*) Having a GNP per capita of between $806 and $1,305 inclusive in 1992 prices should be eligible to receive loans form IFAD on intermediate terms;

(*c*) Having a GNP per capita of $1,306 or above in 1992 prices should normally be eligible to receive loans on ordinary terms;

(ii) For those developing member countries in which there was a significant difference between GNP per capita and gross domestic product (GDP) per capita, the GDP per capita should be used as the criterion for determining the applicable lending terms within the same monetary limits;

(iii) The Executive Board should take account of the impact of the recent devaluation of the CFA franc in determining which lending terms were applicable to the countries concerned;

(iv) In allocating resources among countries eligible for loans on the same terms, priority should be given to those countries characterized by low food security and severe poverty in rural areas;

(*a*) Loans on highly concessional terms should be free of interest but bear a service charge of three-fourths of one per cent (0.75%) per annum and have a repayment period of 40 years, including a grace period of 10 years;

(*b*) Loans on intermediate terms should have a rate of interest equivalent to 50 per cent of the variable reference interest rate, as determined annually by the Executive Board, and a repayment period of 20 years, including grace a period of 5 years;

(*c*) Loans on ordinary terms should have a rate of interest equivalent to 100 per cent of the variable reference interest rate, as determined annually by the Executive Board, and a repayment period of 15 to 18 years, including a grace period of 3= years;

(*d*) No commitment charge should be levied on any loan.

The Executive Board would:

(*a*) Determine, on the basis of the variable ordinary interest rate of international financial concerned with development, the reference rate of interest for application in IFAD, which should provide the basis for the review and revisions prescribed in sub paragraph (b) below;

(*b*) Decide, annually, the rates of interest to be applied, respectively, to loans on intermediate and ordinary terms. For that purpose, it should review annually the rates of interest applicable to loans on intermediate and ordinary terms and revise such rates, if necessary, on the basis of the reference rate of interest in effect on 1 January of each year.

The Executive Board was requested to report periodically to the Governing Council on the exercise of the authority vested in it and on the application of the country eligibility criteria and to review periodically IFAD's Lending Policies and Criteria in the light of changing circumstances and, if it deemed necessary, recommend to the Governing Council such modifications thereto as might be appropriate.

12. UNITED NATIONS INDUSTRIAL DEVELOPMENT ORGANIZATION

(*a*) Constitutional matters

One State — Uzbekistan — became a member of UNIDO[336] thus bringing the membership of UNIDO before the end of 1994 to a total of 166 member States.

(*b*) Agreements with intergovernmental, non-governmental, governmental and other organizations as well as Governments.

Based on the Guidelines regarding Relationship Agreements with organizations of the United Nations system other than the United Nations, and with intergov-

ernmental and governmental and other organizations, adopted by the General Conference[337] in 1994, UNIDO concluded the following agreements:

(i) Upon approval by the Industrial Development Board at its ninth and eleventh sessions,[338] UNIDO concluded relationship agreements with the following intergovernmental organizations not in the United Nations system:

— Relationship agreement with the Economic Cooperation Organization, signed on 25 January 1994;[339]

— Relationship agreement with the League of Arab States, signed on 15 June 1994.[339]

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

— Memorandum of Understanding with Slovakia on cooperation in industrial development, signed on 20 January 1994;[339]

— Memorandum of Understanding with Viet Nam on cooperation in industrial development, signed on 22 November 1994;[339]

— Memorandum of Understanding with the Islamic Republic of Iran on cooperation in industrial development, signed on January 1994;[339]

— Memorandum of Understanding with the Netherlands, concerning associate experts, signed on 21 December 1994;[339]

— Agreement with India on the establishment of an India-UNIDO working group, signed on 24 April 1994. [339]

(iii) UNIDO concluded the following agreements with governmental and private institutions:

— Memorandum of Understanding with the African Business Round Table, signed on 29 November 1994; [339]

— Working arrangement with the Chilean International Cooperation Agency, signed on 7 and 29 March 1994; [339]

— Memorandum of Understanding with the BIO 95 Foundation, signed on 27 May 1994; [339]

(*c*) [339]Agreements with the United Nations or its organs

(i) With the United Nations International Drug Control Programme (UNDCP), UNIDO concluded a Memorandum of Understanding on cooperation, signed on 25 October 1994; [339]

(ii) With the United Nations Educational, Scientific and Cultural Organization (UNESCO), UNIDO concluded a Memorandum of Understanding on areas of cooperation, signed on 21 October 1994; [339]

(iv) With the United Nations Office at Vienna, UNIDO concluded an Agreement on transitional procedures for transfer of purchasing services, signed on 23 December 1994. [339]

(*d*) Standard Basic Cooperation Agreements

Standard Basic Cooperation Agreements were concluded with the Gambia, Tunisia and Uganda. [339]

13. INTERNATIONAL ATOMIC ENERGY AGENCY

Agreement on the privileges and immunities of the International Atomic Energy Agency

During 1994, there was no change in the status of the Agreement on the Privileges and Immunities of IAEA.[340] At the end of 1994 there were 65 parties to the Agreement.

Convention on the Physical Protection of Nuclear Material[341]

During 1994, two States — Chile and Estonia — became Parties to the Convention bringing the total at year's end to 52.

Convention on Early Notification of a Nuclear Accident [342]

Convention on Assistance in the Case of a Nuclear Accident or Radiological Emergency [343]

During 1994, three States — Estonia, Liechtenstein and Lithuania — acceded to the Notification Convention. By the end of 1994, there were 74 States parties to the Convention.

In 1994, Estonia and Liechtenstein also acceded to the Convention on Assistance, bringing the total number of parties to that Convention to 70 by year end.

Vienna Convention on Civil Liability for Nuclear Damage,1963[344]

During 1994, Bulgaria, the Czech Republic and the former Yugoslav Republic of Macedonia acceded to the Vienna Convention, bringing the total number of parties to 24 by the end of the year.

Joint Protocol relating to the Application of the Vienna Convention and the Paris Convention[345]

Bulgaria, Croatia, the Czech Republic, Estonia and Finland became parties during the year, making a total of 17 by the end of 1994.

African Regional Cooperative Agreement[346]

Two additional States — Niger and Côte d'Ivoire — accepted the African Regional Cooperative Agreement for Research, Development and Training related to Nuclear Energy (AFRA) during 1994, bringing the total number of parties to 19 States by the end of the year.

Regional Cooperative Agreement for Research, Development and Training related to Nuclear Science and Technology, 1987 (RCA Agreement) [347]

Three additional States — Singapore, New Zealand and Myanmar — accepted the Agreement, making a total of 17 States Parties.

Convention on Nuclear Safety [348]

The Convention on Nuclear Safety, adopted by a Diplomatic Conference in Vienna on 17 June 1994, was opened for signature on 21 September 1994. During that year the Convention was signed by 54 States and ratified by 1 State (Norway). The Convention will enter into force on the ninetieth day after the date of deposit with the depositary of the twenty-second instrument of ratification, acceptance, or approval, including the instruments of 17 States, each having at least one nuclear installation which has achieved criticality in a reactor core.

Safeguards Agreements

During 1994, Safeguards Agreements were concluded between IAEA and eight States pursuant to the Treaty on the Non-Proliferation of Nuclear Weapons:[349] Belarus, Croatia, Dominica, Kazakhstan, Saint Kitts and Nevis, Slovenia, Uzbekistan and Zambia. A *sui generis* Comprehensive Safeguards Agreement with Ukraine was also concluded. A Unilateral Safeguards Agreement was concluded with India.

The Agreements with India[350] and Zambia,[351] two project agreements with Ghana (concluded in 1991) and with Colombia (concluded in 1993), as well as the safeguards agreement concluded with Armenia[353] (in 1993) and the comprehensive Safeguards Agreement concluded with Argentina, Brazil and the Brazilian-Argentine Agency for Accounting and Control (in 1991), entered into force in 1994.

The Non-Proliferation Treaty Safeguards Agreement with the Socialist Federal Republic of Yugoslavia,[354] which entered into force in 1973, continues to be applied in Croatia and in Slovenia pending entry into force of the Safeguards Agreements concluded in 1994, to the extent relevant to their respective territories.

By the end of 1994, there were 199 Safeguards Agreements in force with 118 States,[355] 101 of which agreements were concluded pursuant to the Non-Proliferation and/or the Treaty of Tlateloco[356] with 104 non-nuclear-weapon States and three nuclear-weapon States.

Liability for Nuclear Damage

In 1994, the IAEA Standing Committee on Liability for Nuclear Damage held its ninth (7-11 February 1994) and tenth (31 October - 4 November 1994) sessions as well as an intersessional working group (9-13 May 1994). Work was concentrated on the proposals for the revision of the Vienna Convention of 21 May 1963 and establishment of a supplementary compensation system. Consideration of the two issues continued in an integrated manner with a view to submitting them to the same diplomatic conference. The proposals on international State liability and its relationship to the civil liability regime were not directly addressed but remained before the Committee for consideration in the context of the Vienna Convention revision.

In the absence of agreement on the basis of the drafts which had been under consideration (the "levy" and "pool" drafts), the Standing Committee examined new approaches to the structure of compensation for both the revised Vienna Convention and a supplementary funding system. It was agreed to insert an Installation State tier in the revised Vienna Convention, and building on this, a new single draft convention on supplementary funding was prepared for further discussion. It is linked to the Vienna and Paris Conventions and envisages an additional level of compensation provided by all States parties collectively in accordance with an agreed formula (the "collective State contributions" draft). The draft contains alternative formulations for some fundamental issues such as geographical scope, system of and criteria for contributions including the status States without nuclear installations in this regard.

The Standing Committee also had before it a new proposal for a convention on supplementary compensation for transboundary nuclear damage from a nuclear incident at a civil nuclear power plant (the "umbrella" draft). This draft is a freestanding instrument that may be adhered to irrespective of participation in the Vienna or Paris Convention and is devoted exclusively to transboundary nuclear damage. It was agreed to carry out an in-depth examination of the "umbrella" draft, *inter alia*, its relationship to existing conventions.

Several member States from Latin America stated that they were studying the creation of a regional mechanism for nuclear liability taking into account the characteristics of their nuclear sectors. They pointed out that the formula for a worldwide supplementary funding system should be compatible with the regional approach.

NOTES

[1]United Nations, *Treaty Series*, vol. 729, p. 161.

[2]Adopted by a recorded vote of 103 to 40, with 25 abstentions.

[3]Adopted by a recorded vote of 168 to none, with 3 abstentions.

[4]International Legal Materials, vol. XXXII, No. 3 (May 1993), p. 800.

[5]United Nations, *Treaty Series*, vol. 1015, p. 163.

[6]Adopted without a vote.

[7]Adopted by a recorded vote of 116 to 4, with 49 abstentions.

[8]United Nations, *Treaty Series*, vol. 480, p. 43.

[9]For the text see Jozef Goldblat, *Arms Control: A Guide to Negotiations and Agreements* (London, Thousand Oaks; New Delhi, Sage Publications, 1994), pp. 591-618.

[10]Adopted by a recorded vote of 78 to 43, with 38 abstentions.

[11]Adopted without a vote.

[12]Adopted without a vote.

[13]United Nations, *Treaty Series*, vol. 634, p. 281.

[14]Adopted by a recorded vote of 161 to 3, with 3 abstentions.

[15]BWC/SPCONF/1, part II.

[16]Adopted without a vote.

[17]Adopted by a recorded vote of 170 to none, with 1 abstention.

[18]United Nations, *Treaty Series*, vol. 610, p. 205.

[19]A/49/502.

[20]Adopted by a recorded vote of 166 to none, with 5 abstentions.

[21]Adopted by a recorded vote of 118 to 4, with 47 abstentions.

[22]Adopted without a vote.

[23]For the text see A/CONF.95/15 and Corr.1-5. See also *Juridical Yearbook, 1980*, p. 113.

[24]Adopted by a recorded vote of 171 to none, with 1 abstention.

[25]Adopted by a recorded vote of 164 to none, with 7 abstentions.

[26]Adopted by a recorded vote of 158 to none, with 11 abstentions.

[27]Adopted without a vote.

[28]Adopted without a vote.

[29]For the report of the Subcommittee, see A/AC.105/573.

[30]A/AC.105/C.2/L.192.

[31]A/AC.105/C.2/L.182/Rev.1.

[32]See *Official Records of the General Assembly, Forty-ninth Session, Supplement No. 20* (A/49/20), chap. II, sect. C.

[33]Adopted without a vote.

[34]See A/49/618.

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

[36]Adopted without a vote.

[37]See A/49/704.

[38]United Nations, *Treaty Series*, vol. 402, p. 71.

[39]*International Legal Materials*, vol. XXX, No. 6 (November 1991), p. 1461.

[40]A/49/370.

[41]See A/49/370.

[42]Adopted without a vote.

[43]See A/49/621.

[44]A/49/136.

[45]E/AC.51/1994/3 and Corr.1.

[46]The text is contained in the annex to General Assembly resolution 49/59.

[47]A/46/185 and Corr.1, annex.

[48]The text is contained in the annex to General Assembly resolution 49/57.

[49]Adopted by a recorded vote of 78 to 43, with 38 abstentions.

[50]See A/49/699.

[51]General Assembly resolution 44/23.

[52]A/47/277-S/24111; see *Official Records of the Security Council, Forty-seventh Year, Supplement for April, May and June 1992*, document S/24111.

[53]For detailed information, see A/49/223/E/1994/105.

[54]UNEP/GCSS.IV/2. annex.

[55]Ibid., annex.

[56]Adopted without a vote.

[57]See A/49/729/Add.6.

[58]*Report of the United Nations Conference on Environment and Development, Rio de Janeiro, 3-14 June 1992* (A/CONF.151/26/Rev.1(vol. I and vol. I/Corr.1, vol. II, vol. III and vol. III/Corr.1)) (United Nations publication, Sales No. E.93.I.8 and corrigenda), vol. I: *Resolutions Adopted by the Conference*, resolution 1, annex II.

[59]Adopted without a vote.

[60]See A/49/729/Add.6.

[61]*Report of the United Nations Conference on Environment and Development, Rio de Janeiro, 3-14 June 1992* (United Nations publication, Sales No. E.93.I.8 and corrigenda), vol. I: *Resolutions adopted by the Conference*, resolution 1, annex I.

[62]Adopted without a vote.

[63]See A/49/729/Add.2.

[64]A/AC.237/18 (Part II)/Add.1 and Corr.1, annex I.

[65]Adopted without a vote.

[66]See A/49/729/Add.6.

[67]*International Legal Materials*, vol. XXVI, No. 6 (November 1987), p. 1550.

[68]Adopted without a vote.

[69]See A/49/729/Add.6.

[70]A/49/84/Add.2, annex, appendix II.

[71]Adopted without a vote.

[72]See A/49/729/Add.4.

[73]Adopted without a vote.

[74]See A/49/729/Add.6.

[75]See United Nations Environment Programme, *Convention on Biological Diversity* (Environmental Law and Institutions Programme Activity Centre), June 1992.

[76]Adopted without a vote.

[77]See A/49/729/Add.6.

[78]Adopted without a vote.

[79]See A/49/729/Add.6.

[80]*Official Records of the Third United Nations Conference on the Law of the Sea*, vol. XVII (United Nations publication, Sales No. E.84.V.3), document A/CONF.62/122.

[81]Adopted without a vote.

[82]See A/49/729/Add.6.

[83]*Report of the United Nations Conference on Environment and Development, Rio de Janeiro*, 3-14 June 1992 (United Nations publication, Sales No. E.93.I.8 and corrigenda), vol. I: *Resolutions adopted by the Conference*, resolution 1, annex II.

[84]See A/CONF.164/INF/2, annex 2.

[85]Adopted without a vote.

[86]See A/49/729/Add.3.

[87]Adopted without a vote.

[88]See A/49/726.

[89]Adopted without a vote.

[90]See A/49/606.

[91]A/49/593

[92]Adopted without a vote.

[93]See A/49/158.

[94]Adopted without a vote.

[95]See A/49/606.

[96]E/CN.15/1994/10 and Corr.1, paras. 71-84.

[97]Adopted without a vote.

[98]See A/49/159.

[99]See A/49/748, annex, sect. I.A.

[100]United Nations, *Treaty Series*, vol. 520, p. 151.

[101]Ibid., vol. 1019, p. 175.

[102]Ibid., vol. 976, p. 3.

[103]Ibid., p. 105.

[104]E/CONF.82/15 and Corr.2; issued also as a United Nations publication (Sales No. E.91.XI.6).

[105]Adopted without a vote.

[106]See A/49/608.

[107]Resolution S-17/2, annex.

[108]See A/49/139-E/1994/57.

[109]United Nations, *Treaty Series*, vol. 993, p. 3.

[110]Ibid., vol. 999, p. 171.

[111]Ibid.

[112]General Assembly resolution 44/128, annex.

[113]See General Assembly resolution 34/180, annex; reproduced in *Juridical Yearbook, 1979*, p. 115; see also United Nations, *Treaty Series*, vol. 1249, p. 13.

[114]Adopted without a vote.

[115]See A/49/607.

[116]A/49/308, sect. II.

[117]*Official Records of the General Assembly, Forty-eighth Session, Supplement No. 38* (A/48/38).

[118]Ibid., *Forty-ninth Session, Supplement No. 38* (A/49/38).

[119]General Assembly resolution 44/25, annex.

[120]Adopted without a vote.

[121]See A/49/611.

[122]A/49/409.

[123]See General Assembly resolution 2106 A (XX), annex; reproduced in *Juridical Yearbook, 1965*, p. 63; see also United Nations, *Treaty Series*, vol. 660, p. 195

[124]Adopted without a vote.

[125]See A/49/604.

[126]A/49/403.

[127]Adopted without a vote.

[128]See A/49/604.

[129]*Official Records of the General Assembly, Forty-ninth Session, Supplement No. 18* (A/49/18).

[130]See General Assembly resolution 3068 (XXVIII), annex; reproduced in *Juridical Yearbook, 1973*, p. 70; see also United Nations, *Treaty Series*, vol. 1015, p. 243.

[131]General Assembly resolution 45/158, annex.

[132]Adopted without a vote.

[133]See A/49/610/Add.1.

[134]A/49/405.

[135]See General Assembly resolution 39/36, annex; also reproduced in *Juridical Yearbook, 1984*, p. 135;

[136]Adopted without a vote.

[137]See A/49/610/Add.1.

[138]*Official Records of the General Assembly, Forty-ninth Session, Supplement No. 44* (A/49/44).

[139]Ibid., annex III.

[140]Adopted without a vote.

[141]See A/49/610/Add.1.

[142]A/49/537, annex, sect. IV.

[143]A/44/539, A/46/503 and A/48/508 and Corr.1.

[144]A/49/537.

[145]Adopted without a vote.

[146]See A/49/610/Add.2.

[147]Adopted by a recorded vote of 155 to 1, with 12 abstentions.

[148]See A/49/610/Add.2.

[149]Adopted without a vote.

[150]See A/49/610/Add.2.

[151]A/49/512.

[152]Adopted without a vote.

[153]See A/49/752.

[154]A/49/402 and Add.1.

[155]Adopted without a vote.

[156]See A/49/610/Add.2.

[157]General Assembly resolution 47/135

[158]Adopted without a vote.

[159]See A/49/610/Add.2.

[160]Adopted without a vote.

[161]See A/49/610/Add.2.

[162]Adopted without a vote.

[163]A/49/605.

[164]A/37/351/Add.1 and Corr. 1, annex, sect. VIII, recommendation 1 (IV).

[165]A/49/435.

[166]Adopted without a vote.

[167]See A/49/607.

[168]Adopted without a vote.

[169]See A/49/607.

[170]A/CONF.157/24 (Part I), chap. III.

[171]Resolution 317 (IV), annex

[172]United Nations, *Treaty Series*, vol. 212, p. 17.

[173]Adopted without a vote.

[174]See A/49/610/Add.2.

[175]For detailed information, see *Official Records of the General Assembly, Supplement for No. 12* (A/49/12).

[176]United Nations, *Treaty Series*, vol. 189, p. 137.

[177]Ibid., vol. 606. p. 207.

[178]See *Official Records of the General Assembly, Forty-ninth Session, Supplement for No. 12A* (A/49/12 and Add.1).

[179]ST/HCR (092.1)/G81.

[180]ST/HCR (092.1)/G8.

[181]Adopted without a vote.

[182]See A/49/609.

[183]A/49/342-S/1994/1007; see *Official Records of the Security Council, Forty-ninth year, Supplement for July, August and September 1994*, doc. S/1994/1007.

[184]Adopted without a vote.

[185]See A/49/609.

[186]A/49/577 and Corr. 1.

[187]A/37/145, A/38/450, A/40/358 and Add.1 and 2, A/41/472, A/43/734 and Add.1, A/45/524 and A/47/352.

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

[189]See document A/49/631.

[190]The Commission shall remain in existence, in accordance with paragraph 13 of resolution I of the Third United Nations Conference on the Law of the Sea, until the conclusion of the first session of the Assembly of the International Seabed Authority.

[191]See document A/49/631.

[192]Adopted by a recorded vote of 131 to 1, with 7 abstentions.

[193]See General Assembly resolution 37/66.

[194]For the composition of the Court, see General Assembly decision 49/322.

[195]As of 31 December 1994, the number of States recognizing the jurisdiction of the Court as compulsory, in accordance with declarations filed under Article 36, paragraph 2, of the Statute of the International Court of Justice, stood at 60.

[196]For detailed information, see *International Court of Justice Yearbook. 1993-1994*, No. 48 and *International Court of Justice Yearbook, 1994-1995*, No. 49.

[197]*I.C.J. Reports 1994*, p. 6.

[198]*I.C.J. Reports 1986*, p. 580, para. 50.

[199]*I.C.J. Reports 1994*, p. 43.

[200]Ibid., pp. 44-50 and 51-92.

[201]Ibid., pp. 93-103.

[202]Ibid., p. 112.

[203]Ibid., p. 129.

[204]Ibid., pp. 130-131 and 132.

[205]Ibid., pp. 133-149.

[206]*I.C.J. Reports 1993*, p. 319.

[207]*I.C.J. Reports 1994*, p. 151.

[208]Ibid., p. 3.

[209]Ibid., p. 109.

[210]For the membership of the Commission, see *Official Records of the General Assembly, Forty-ninth Session, Supplement No. 10* (A/49/10), chap. I, sect A.

[211]For detailed information, see *Official Records of the General Assembly, Forty Ninth Session, Supplement No. 10* (A/49/10).

[212]A/CN.4/460 and Corr.1.

[213]A/CN.4/L.491/Rev.2 and Add.1 to 3.

[214]A/CN.4/462 and Corr.1.

[215]A/CN.4/453/Add.2 and 3.

[216]A/CN.4/461/Add.1.

[217]A/CN.4/461 and Add.2 and Corr.1.

[218]A/CN.4/459.

[219]*Official Records of the General Assembly, Forty-ninth Session, Supplement No. 10* (A/49/10).

[220]Adopted without a vote.

[221]See A/49/738.

[222]For the membership of the Commission, see *Official Records of the General Assembly, Forty-ninth Session, Supplement for No. 17 and Corrigendum* (A/49/17 and Corr.1), chap. I, sect B.

[223]For detailed information, see *Yearbook of the United Nations Commission on International Trade Law*, vol. XXV: 1994 (United Nations publication, Sales No. E.95.V.20).

[224]*Official Record of the General Assembly, Forty-seventh Session, Supplement No. 17* (A/47/17), annex I.

[225]A/CN.9/396 and Add.1.

[226]A/CN.9/388 and A/CN.9/391.

[227]A/CN.9/387 and A/CN.9/390.

[228]A/CN.9/SER.C/ABSTRACTS/1, 2 and 3.

[229]Adopted without a vote.

[230]See A/49/739.

[231]Adopted without a vote.

[232]A/49/739.

[233]*Official Records of the General Assembly, Forty-ninth Session, Supplement for No. 17 and corrigendum* (A/49/17 and Corr.1), annex I.

[234]A/CN.9/403.

[235]Adopted without a vote.

[236]See A/49/735.

[237]A/49/255 and Add.1 and Corr.1.

[238]United Nations, *Treaty Series*, vol. 1125, pp. 3 and 609.

[239]Ibid., vol. 75, pp. 31, 85, 135 and 287.

[240]Adopted without a vote.

[241]See A/49/736.

[242]A/49/295 and Add.1 and 2.

[243]Adopted without a vote.

[244]See A/49/737.

[245]A/49/323 and Add.1 and 2.

[246]A/C.6/49/L.10.

[247]Adopted by a recorded vote of 143 to none, with 8 abstentions.

[248]See A/49/738.

[249]Adopted without a vote.

[250]See A/49/738.

[251]*Official Records of the General Assembly, Forty-ninth Session, Supplement No. 10* (A/49/10).

[252]Adopted without a vote.

[253]See A/49/740.

[254]*Official Records of the General Assembly, Forty-ninth Session, Supplement No. 26* (A/49/26).

[255]Adopted by a recorded vote of 155 to none, with 1 abstention.

[256]A/49/741 and Corr.1.

[257]*Official Records of the General Assembly, Forty-ninth Session, Supplement No. 33* (A/49/33).

[258]Adopted without a vote.

[259]See A/49/741 and Corr.1.

[260]See chap. IV of the present *Yearbook* for the text of the Convention.

[261]Adopted without a vote.

[262]See A/49/742.

[263]Adopted without a vote.

[264]See A/49/743.

[265]A/49/257 and Add.1-3.

[266]Adopted without a vote.

[267]See A/49/744.

[268]For detailed information covering the period from 1 July 1992 to 30 June 1994, see *Official Records of the General Assembly, Forty-ninth Session Supplement for No. 14* (A/49/14). For the period from 1 July 1994 to June 1996, Supplement No. 14(A/51/14); for the period from 1 July 1994 to 30 June 1996, see ibid., *Fifty-first Session, Supplement No. 14* (A/51/14).

[269]Adopted without a vote.

[270]See A/49/731.

[271]A/49/634.[272]ILC, 81st session, 1994, *Record of Proceedings*, No.2; No.11, pp. 51-52; No.18, pp. 21-22; English, French, Spanish; see also *Official Bulletin* of the ILO, vol. LXXVII, Series A, No.2, pp. 154-155.

[273]*Official Bulletin* of the ILO, vol. LXXVII, 1994, Series A, No.2, pp. 128-126; English, French, Spanish. (Information on the Preparatory work for the adoption of instruments, which, by virtue of the double discussion procedure normally covers a period of two years, is given in order to facilitate reference work.) Regarding the preparatory work, see: *First discussion* - Part-Time Work, ILC, 80th session (1993); Report V(1) and V(2), iv + 92 and 122 pages respectively; Arabic, Chinese, English, French, German, Russian, Spanish. See also ILC 80th (1993) *Record of Proceedings* No.27; No.29, pp. 1-8; English, French, Spanish. *Second discussion* - Part-Time Work, ILC, 81st session (1994), Report IV (1), Report IV (2A), Report IV(2B); 12, 95 and 20 pages respectively; Arabic, Chinese, English, French, German, Russian, Spanish. See also ILC 81st session (1994), *Record of Proceedings*, No.23; No.27, pp. 15- 29; English, French, Spanish.

[274]This report has been published as report III (part 4) to the 81st session of the Conference (1994) and comprises two volumes: vol. A: General Report and Observations concerning particular countries: report III (Part 4A), xx + 558 pages; English, French, Spanish. vol. B.: General Survey of the Reports on the Freedom of Association and the Right to Organize Convention (No.87), 1948, and the Right to Organize and Collective Bargaining Convention (No.98), 1949, Report III (Part 4B , xi + 157 pages; English, French, Spanish.

[275]United Nations, Treaty Series, vol. 15, p. 40.

[276]GB.259/15/20.

[277]GB.260/6/5.

[278]GB.261/14/10.

[279]GB.261/14/11.

[280]GB.261/14/12.

[281]GB.261/14/13.

[282]GB.261/14/14.

[283]GB.261/14/15.

[284]GB.261/14/8.

[285]GB.261/14/9.

[286]GB.259/15/30.

[287]GB.261/14/25.

[288]GB.260/6/6.

[289]*ILO Official Bulletin*, vol. LXXVII, Series B, No. 1.

[290]Ibid., Vol. LXXVII, 1994, Series B, No. 2.

[291]Ibid., Vol. LXXVII, 1994, Series B, No. 3.

[292]United Nations, *Treaty Series*, vol. 14, p. 185.

[293]For details on the establishment of the Inspection Panel, see *Juridical Yearbook, 1993*, p. __

[294]United Kingdom, *Treaty Series*, 47 (1989); *International Legal Materials*, vol. XXIV, No. 6 (November 1985), p. 1605.

[295]United Nations, *Treaty Series*, vol. 575. p. 159.

[296]The quota payments are made in either the special drawing rights, or freely usable currencies (which consist of the United States dollar, the Deutsche mark, the Japanese yen, the French franc, and the pound sterling) and the remainder in the member's local currency.

[297]For detailed information regarding the Third Amendment of the Articles of Agreement, see the *Report of the Executive Board to the Board of Governors on the Proposed*

Third Amendment of the Articles of Agreement of the International Monetary Fund (Washington, International Monetary Fund, 1990).

[298]Decision No. 1018-(92/132) (adopted 3 November 1992).

[299]Summing Up by the Acting Chairman — Modalities of Fund Support for Debt and Debt-Service Reduction, Executive Board Meeting 94/1, 7 January 1994, *Selected Decisions, Twentieth Edition* (Washington, International Monetary Fund, 1995), pp. 133-35.

[300]EBD No. 9331-(89/167), adopted 19 December 1989, as amended, *Selected Decisions: Twentieth Edition* (Washington, International Monetary Fund, 1995), pp. 127-132.

[301]Board of Governors' Resolution No. 45-2 (June 28, 1990), *Selected Decisions: Twentieth Edition* (Washington, International Monetary Fund, 1995), p. 516.

[302]Agreement for Establishment of the Joint Vienna Institute, *Selected Decisions: Twentieth Edition* (Washington, International Monetary Fund, 1995), p. 573.

[303]*International Legal Materials*, vol. XXIII (1984), p. 705.

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

[305] United Nations, *Treaty Series*, vol. 15, p. 295.

[306]United Nations registration No. 31251, 1 October 1994.

[307]*International Legal Materials*, vol. XI (1972). p. 1294.

[308]Ibid., vol. XVI (1977), p. 606.

[309]LEG/CONF.8/10.

[310]*International Legal Materials*, vol. XIV (1975), p. 945.

[311]United Nations, *Treaty Series*, vol. 973, p. 3.

[312]MO/SFV-P/CONF.3. (draft).

[313]IMO/SFV/CONF/8 and Corr.1.

[314]Ibid., vol. XVI (1977), p. 621.

[315]United Kingdom, *Treaty Series*, vol. 95 (1978), Cmnd. 7383.

[316]As at 1 April 1994, one objection had been communicated from the United Kingdom of Great Britain and Northern Ireland.

[317]One Contracting State, Egypt, communicated a reservation that the date of application will be 1 October 1995.

[318]With respect to LC.49(16) (industrial wastes) two such declarations (Argentina, Australia) were received and with respect to LC.51(16) (radioactive wastes) one such declaration (Russian Federation) was received.

[319]See chapter IV, B of this *Yearbook*.

[320]United Nations, *Treaty Series*, vol. 828, p. 221.

[321]WIPO publication No. 201(E).

[322]WIPO publication No. 222 (1995).

[323]United Nations, *Treaty Series*, vol. 828, p. 3.

[324]Ibid., p. 389.

[325]League of Nations, *Treaty Series*, vol. xxiv, p. 343.

[326]United Nations, *Treaty Series*, vol. 550, p. 45; vol. 828, p. 191, and vol. 1154, p. 89.

[327]Ibid., vol. 496, p. 43.

[328]Ibid., vol. 828, p. 435.

[329]*United Kingdom Treaty Series*, 78 (1978).

[330]Ibid., 113 (1975).

[331]United Nations, *Treaty Series*, vol. 866, p. 67.

[332]Ibid., vol. 1144, p. 3.
[333]*International Legal Materials*, vol. 17, p. 285.
[334]WIPO publication No. 297.
[335]WIPO publication No. 299(E), 1993.
[336]IDB.12/10 and IDB.14/7, GC.1/INF.6.
[337]GC.1/INF.6.
[338]IDB.9/Dec. 18 and IDB.11/Dec. 35 (reflected in GC.6/16).
[339]Annual Report of UNIDO 1994 (IBD.14/10/Add.1, PBC.11/10/Add.1), appendix H.
[340]INFCIRC/9/Rev.2.
[341]INFCIRC/274/Rev.1.
[342]INFCIRC/335.
[343]INFCIRC/336.
[344]United Nations, *Treaty Series*, vol. 1063, p. 265.
[345]INFCIRC/402.
[346]INFCIRC/377.
[347]INFCIRC/167/Add.15.
[348]See chap. IV.B of the present *Yearbook*.
[349]United Nations, *Treaty Series*, vol. 729, p. 161.
[350]INFCIRC/433, and Mod.1.
[351]INFCIRC/456.
[352]INFCIRC/460 (Colombia) and INFCIRC/468 (Ghana).
[353]INFCIRC/455.
[354]INFCIRC/204.
[355]Two Safeguards Agreements are also in force with Taiwan Province of China.
[356]United Nations, Treaty Series, vol. 634, p. 281.