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REGIONAL AND INTERNATIONAL ACTIVITIES

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ORGANIZATION OF AMERICAN STATES

GENERAL ASSEMBLY

The seventh regular session of the General Assembly of the Organization of American States will be held in Saint George's, the capital of Grenada, starting June 14, 1977. The preliminary draft agenda contains 32 items divided into five main chapters. The Assembly will examine the annual reports from the Councils, Committees, Commissions and other entities of the OAS, and will consider several administrative and budgetary matters. It will note the status of the negotiations between the Governments of Panama and the United States on the question of the Panama Canal. The question of the United States Trade Act of 1974 is also on the agenda.

The draft agenda contains an item concerning the draft of an inter-American convention on extradition prepared by the Inter-American Juridical Committee. The problem of human rights is recognized under the following items: the annual report of the Inter-American Commission on Human Rights; the report on the status of human rights in Chile; the fifth report on the situation regarding human rights in Cuba; and the means to promote respect of human rights as well as to facilitate cooperation by Member States for that purpose.

There will be elections to fill vacancies in several committees and other organs of the OAS. An example is the election to fill three vacan-

*The opinions expressed in this report are those of the author in his personal capacity.

cies on the Inter-American Juridical Committee, as three of its members will finish their mandates on June 30, 1977. These three members can be reelected, however.

INTER-AMERICAN JURIDICAL COMMITTEE

The Inter-American Juridical Committee, which is the principal legal organ of the OAS, held a regular meeting from January 12 to February 18, 1977 in Rio de Janeiro. During this session the Committee prepared, on a priority basis, a revised version of its 1973 draft convention on extradition, a statement of reasons concerning this draft, and several documents for the Second Inter-American Specialized Conference on Private International Law (CIDIP-II). These documents include: a draft inter-American convention on extraterritorial effectiveness of foreign judgments and arbitral awards; a draft convention on proof of foreign law; a draft convention on precautionary measures taken in civil and commercial suits; and some documents on commercial companies, checks and other topics. The following is a summary of some of the drafts prepared by the Committee.

Draft Inter-American Convention on Extradition

During its January-February 1977 session, the Inter-American Juridical Committee approved a revised version of its 1973 draft convention on extradition. The 1977 draft contains 25 articles of substantive content plus the concluding clauses. According to Article 1, the contracting States bind themselves to surrender persons who are being tried or have been convicted of an offense by another contracting State that requests their extradition. Article 2 provides that, in order for extradition to be granted, the offense must have been committed within the jurisdiction of the requesting State according to its legislation in force at the time of the offense. When the offense for which extradition is requested has been committed outside the territory of the requesting State, extradition may be granted provided the requesting State has jurisdiction to take cognizance of the offense that gave rise to the request for extradition and to pronounce judgment thereon.

Article 3 stipulates that to determine whether extradition should be granted, it shall be necessary that the offense, for which the person sought is being tried or of which he has been convicted, be punishable at the time of its commission by imprisonment for at least one year under the laws of both the requesting and the requested States.

The procedure for requesting extradition is indicated in Article 4. This Article states that the request for extradition should be made by the diplomatic agent of the requesting State, or if none is available, by its consular officer, or, when appropriate, by the diplomatic agent of a third State. The request may also be made directly from one government to another according to such procedures as the governments concerned may agree upon. The documents that should accompany a request for extradition are mentioned in Articles 5 and 6 of the draft.

The requested State has, according to Article 8, the power to deny extradition in the following situations: (1) when the person has been set free because the requesting State has not taken charge of him within thirty days; and (2) when the requested State is competent, according to its own legislation, to try the person for the offense on which the extradition request is based. In this situation, the State detaining the accused must communicate to the State requesting extradition the decision reached in trying the person.

In considering the nationality of the offender, Article 9 states that the nationality of the person sought may not be invoked as a ground for denying extradition, unless the law of the requested State establishes the contrary. Article 11 establishes the cases in which extradition shall not be granted as follows:

1. when the individual has completed his punishment, or when he has been granted an amnesty or pardon by the requesting State for the crime for which extradition is sought, or when he has been acquitted, or when the case against him for the offense has been dismissed;
2. when the trial or punishment is barred by the Statute of Limitations, according to the laws of the requesting or the requested State, prior to the date of the granting of extradition;
3. when the person sought will be tried by an extraordinary or ad hoc tribunal of the requesting country;
4. when, as determined by the requested State, the offense for which the person is sought is a *political offense* or a *related offense*. The fact that the victim of the punishable act in question performed political functions does not in itself justify the designation of the offense as political; and

5. when the offense is one that cannot be prosecuted at the government's initiative in the requested state unless a legitimate complaint has been made by a party.

In order to avoid difficulties in interpretation, Article 12 states that no provision of the Convention shall stand in the way of extradition for the crime of genocide or any other offense that is extraditable under a treaty in force between the requesting and the requested State.

Article 13 refers to the asylum question. The Article notes that no provision of this Convention may be interpreted as a limitation on the right of asylum. Article 14 stipulates that no person surrendered to a State in accordance with this Convention may be condemned to death or to life imprisonment.

Under Article 16, if the extradition of a person is requested by more than one State for the same offense or for different offenses, the requested State shall give preference to the petition of the State in whose territory the offense was committed. Article 17 establishes that when the person sought is being tried or is serving a sentence in the requested State for a crime other than the one for which the extradition is requested, his surrender may be deferred until he is entitled to be set free by virtue of acquittal, complete service or commutation of sentence, dismissal, pardon or amnesty. As set forth in Article 18, the person whose extradition has been granted may not be tried in the requesting State for offenses committed before the date of the request for extradition, or for an offense not included in the request and the order of surrender. The person sought shall have the right, according to Article 19, to utilize all the legal remedies available to him under the law of the requested State.

Draft Articles 26 and 27 provide that the Convention will be open for signature by the Member States of the OAS, and that the Convention is subject to ratification. The Convention will remain open for accession by any other State under Article 28.

Draft Inter-American Convention on Extraterritorial Effectiveness of Foreign Judgments and Arbitral Awards

This draft convention was approved by the Inter-American Juridical Committee on January 21, 1977. Article 1 provides that judgments and arbitral awards declared in civil, commercial or labor proceedings in one of the contracting States shall be recognized and may be executed in the other States if they meet the following conditions:

- a) that they be invested with external formalities necessary for them to be considered authentic in the State of origin;
- b) that they be translated, along with other documentary evidence, by an official translator or by a competent expert according to local law or the law of the State in which they should produce the desired result;
- c) that they be certified by the consular or diplomatic authority of the State in which they are presented;
- d) that the judge or court which tried the case is competent to hear and decide the matter according to the legislation of the respective State, unless in the legislation of the State where it is presented a matter of its exclusive competence is involved;
- e) that the parties have been summoned according to the law of the country where the trial took place, either personally or through a legal representative or, if the domicile or residence of either party was not known, by means of a decree allowing for reasonable time to appear;
- f) that the defense of the parties has been assured;
- g) that they take the form of a writ of execution or constitute a matter which is *res judicata* in the State in which they were declared;
- h) that they do not contravene the principles and laws of public order of the State in which recognition or execution is requested.

Article 2 says that if foreign penal judgments meet the conditions established in the preceding article, they may have extraterritorial effectiveness to obligate the person at fault to pay damages, make restitution or assume other civil responsibilities.

According to Article 4, if a foreign judgment or arbitral award cannot be executed in its entirety, the judge or court may authorize partial execution at the request of the interested party. Article 6 stipulates that to insure the effectiveness of the foreign judgment, the proceedings, including the competence of the respective judicial bodies, shall be regulated by the law of the State in which their compliance is requested.

Draft Inter-American Convention on Proof of Foreign Law

This is another draft convention prepared by the Inter-American Juridical Committee at its meeting held in January-February 1977. The purpose of this convention as indicated in Article 1 is to establish rules on the proof of the text, effectiveness and interpretation of foreign law. These rules are established, when applicable, at the government's initiative or at the petition of one of the parties, by the judge or court called to decide the case, or by the arbitrator(s) or other administrative authority.

The judge, court, arbitrators or administrative authorities, according to Article 2, may make available any evidence for the purposes established in the preceding article. The interested parties, as established in Article 3, may present proof and request the taking of evidence for the purposes indicated in Article 1. Article 4 stipulates that in the absence of proof, or if the judge, the court, the arbitrator(s), or the administrative authority for any reason consider the proof insufficient, they may request *ex officio*, through diplomatic channels, that the State whose laws are involved provide a report on the text, effectiveness and interpretation of the applicable law.

According to Article 5, each contracting State should provide the others with information and comply with the measures mentioned in Articles 2 and 4 within the shortest possible time. Article 6 provides that each contracting State should transmit to the others two authentic copies of the laws in force and of those laws later issued.

In these draft conventions on the extraterritorial effectiveness of foreign judgments, arbitral awards, and proof of foreign laws, it is provided that the conventions shall be open for signature by the OAS Member States and that the conventions are subject to ratification. Furthermore, it is provided that they shall remain open for accession by any other State. Other final clauses deal with reservations, entry into force and other similar matters.

Fourth Course on International Law

During its January-February 1977 regular meeting, the Inter-American Juridical Committee approved the program for the Fourth Course on International Law. This very useful and significant activity will be carried out in Rio de Janeiro under the auspices of the Committee, the OAS General Secretariat and the Getúlio Vargas Foundation. The

course will deal with the following major topics: Law of Treaties, Inter-American System, Law of the Sea, and Private International Law. This intensive course will last four complete weeks, starting July 25, 1977 at the headquarters of the Getúlio Vargas Foundation.

As in the previous courses, it is expected that the participants in the fourth course will include law professors, diplomats, and other high government officials as well as lawyers from the OAS Member States. The Director of the course is Dr. Isidoro Zanotti, Deputy Director of the OAS Legal Department.

CIECC

Nature Protection and Wildlife Preservation in The Western Hemisphere

At its seventh regular meeting held in Montevideo early in February 1977, the Inter-American Council for Education, Science and Culture (CIECC) approved, *inter alia*, Resolution CIECC-326/77, which recalled AG/RES.218 (VI-0/76) adopted by the OAS General Assembly concerning the implementation of the Convention on Nature Protection and Wildlife Preservation. The General Assembly had recommended mutual cooperation in activities such as scientific research, technical cooperation, and assistance relating to wild life and flora, as well as the creation and planning of parks and reserve park management training and the adoption of measures to conserve and protect wild flora, fauna, and species that are in danger of extinction have also been recommended.

In its Resolution 326/77, CIECC instructed the OAS General Secretariat to provide technical assistance to the Member States that request it for the formulation of projects related to these recommendations.

CIECC decided to hold a limited number of technical meetings as a regional activity during the second half of the calendar year 1977. The purpose of these meetings is to identify problems and to prepare specific proposals aimed at drawing up plans and programs for fostering the effective protection and management of natural areas, and for dealing with other problems related to nature conservation.

UNITED NATIONS

GENERAL ASSEMBLY

The thirty-first regular session of the General Assembly of the United Nations was held in New York from September 21 to December 22, 1976. The agenda of this session contained 124 items. The following is a summary of some of the resolutions adopted by the General Assembly during that session.

Appointment of the Secretary General of the United Nations

By Resolution 31/60, adopted on December 8, 1976, the General Assembly appointed Mr. Kurt Waldheim as Secretary General of the United Nations for a second term of office beginning on January 1, 1977 and ending on December 31, 1981.

Security Council

The General Assembly, on a single ballot, elected Canada, the Federal Republic of Germany, India, Mauritius and Venezuela to serve on the Security Council for two-year terms beginning on January 1, 1977. As of January 1, 1977 the Security Council is composed of the following 15 members: Benin, Canada, China, France, India, Libya, Mauritius, Pakistan, Panama, Romania, Federal Republic of Germany, USSR, United Kingdom, United States and Venezuela.

Economic and Social Council

Eighteen members of the Economic and Social Council were elected by the General Assembly for three-year terms beginning January 1, 1977. ECOSOC consists of fifty-four members. The following are Member States of the OAS: Argentina, Bolivia, Brazil, Colombia, Cuba, Ecuador, Jamaica, Mexico, Peru, United States and Venezuela.

International Law Commission

On a single ballot, the General Assembly chose 25 members who will constitute the International Law Commission for a five-year term from January 1, 1977 to December 31, 1982. The United Nation members chosen who are citizens of OAS Member States include: Juan

Jose Calle y Calle (Peru); Jorge Castañeda (Mexico); Leonardo Diaz-Gonzales (Venezuela); Laurel B. Francis (Jamaica); Stephen M. Schwebel (United States); Jose Sette Camara (Brazil).

World Food Council

The General Assembly elected 12 States to serve on the World Food Council for three-year terms beginning January 1, 1977. The entire Council consists of 36 countries of which the following are OAS Member States: Argentina, Cuba, Guatemala, Jamaica, Mexico, Trinidad and Tobago, United States and Venezuela.

United Nations Commission on International Trade Law (UNCITRAL)

The General Assembly elected 17 States to serve six-year terms on the United Nations Commission on International Trade Law. UNCITRAL has 36 countries as members. Of these the following are Member States of the OAS: Argentina, Barbados, Brazil, Chile, Colombia, Mexico, United States.

Governing Council of the United Nations Environment Program

Nineteen (19) members of the Governing Council of the United Nations Environment Program were elected by the General Assembly. The Council is composed of 58 members. The following representatives are Member States of the OAS: Argentina, Brazil, Colombia, Grenada, Guatemala, Jamaica, Mexico, Peru, United States, Uruguay and Venezuela.

Board of Governors of the United Nations Special Fund

The General Assembly elected 9 States to serve on the Board of the Governors of the United Nations Special Fund. This Board consists of 36 members with the following also being OAS Member States: Argentina, Costa Rica, Ecuador, Grenada, Paraguay, Venezuela.

Secretary General of the United Nations Conference on Trade and Development

The General Assembly confirmed the appointment of Gamani Corea as Secretary General of UNCTAD for a three-year term beginning April 1, 1977 and ending March 31, 1980.

Industrial Development Board

Fifteen members of the Industrial Development Board were elected by the General Assembly for three-year terms beginning January 1, 1977. The Board is composed of 45 members of which the following nine are Member States of the OAS: Argentina, Brazil, Cuba, Grenada, Mexico, Peru, Trinidad and Tobago, United States and Venezuela.

Executive Director of the United Nations Environment Program

The General Assembly approved the nomination by the UN Secretary General of Mostafa Kamal Tolba to serve as the Executive Director of the United Nations Environment Program for a four-year term beginning January 1, 1977.

Committee for Program and Coordination

The General Assembly elected five states to serve for three-year terms on the Committee for Program and Coordination. The Committee consists of 21 members. Of these the following are Member States of the OAS: Argentina, Brazil, Chile, Colombia, United States.

Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

By Resolution 31/143, adopted on December 17, 1976, the General Assembly reaffirmed its Resolutions 1514 (XV) and 2621 (XXV) and all other resolutions on decolonization. The General Assembly further called upon the Administrative Powers, in accordance with these resolutions, to take all the necessary steps to enable the dependent peoples of the Territories concerned to exercise fully and without further delay their inalienable right of self-determination and independence. The Assembly also reaffirmed its determination to take all necessary steps with a view to the complete and speedy eradication of colonialism and to the faithful, strict observance by all States of the relevant provisions contained in the United Nations Charter, the Declaration on the Granting of Independence to Colonial Countries and Peoples, and the guiding principles of the Universal Declaration of Human Rights. The Assembly, on the other hand, requested the Special Committee* to continue to seek suitable means for the immediate and full implementation of General Assembly Resolution 1514 (XV) in all Territories which have not yet attained independence.

Dissemination of Information on Decolonization

In Resolution 31/144, approved on December 17, 1976, the General Assembly reaffirmed the importance of effecting the widest possible dissemination of information on the evils and dangers of colonialism; on the determined efforts of the colonial peoples to achieve self-determination, freedom and independence; and on the assistance being provided by the international community towards eliminating the remaining vestiges of colonialism in all its forms.

International Cooperation in the Peaceful Uses of Outer Space

In Resolution 31/8, passed on November 8, 1976, the General Assembly invited all States which have not yet become parties to the following treaties: the Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and other Celestial Bodies; the Agreement on the Rescue of Astronauts; the Return of Astronauts and the Return of Objects Launched into Outer Space; the Convention on International Liability for Damage Caused by Space Objects; and the Convention on Registration of Objects Launched into Outer Space to give early consideration to ratifying or acceding to those international agreements.

The Assembly also noted with satisfaction that the Legal Sub-Committee of the Committee on the Peaceful Uses of Outer Space has achieved considerable progress by formulating nine draft principles governing the use by States of artificial earth satellites for direct television broadcasting. The nine principles were written with a view to concluding an international agreement or agreements. The Committee has also formulated five draft principles and identified three new common elements in the drafts submitted and the views expressed by Member States relating to the legal implications of remote sensing of the earth from space.

Furthermore, the General Assembly recommended that the Legal Sub-Committee should continue, as matters of high priority: (i) to consider the draft treaty relating to the moon; (ii) to consider completing the elaboration of draft principles governing the use by States of artificial earth satellites for direct television broadcasting with a view to concluding an international agreement or agreements; and (iii) to give detailed consideration to the legal implications of remote sensing of the earth from

*Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples.

space, with the particular aim of formulating draft principles on the basis of common elements identified by it. The Assembly also recommended that the Legal Sub-Committee should pursue its work on questions relating to the definition and/or delimitation of outer space activities.

Incendiary and Other Specific Conventional Weapons

The General Assembly, by Resolution 31/64, which was approved on December 10, 1976, took note of the reports of the Secretary General of the United Nations on the work of the Diplomatic Conference on the Reaffirmation and Development of International Humanitarian Law Applicable in Armed Conflicts. It invited the Diplomatic Conference to accelerate its consideration of the use of specific conventional weapons, including any which may be deemed to be excessively injurious or to have indiscriminate effects. The Conference was also urged to do its utmost to agree for humanitarian reasons on possible rules prohibiting or restricting the use of such weapons.

Chemical and Bacteriological (Biological) Weapons

In Resolution 31/65, adopted on December 10, 1976, the General Assembly reaffirmed the objective of reaching early agreement on the effective prohibition of the development, production, and stockpiling of all chemical weapons as well as their elimination from the arsenals of all States. It further requested the Conference of the Committee on Disarmament, as a matter of high priority, to continue negotiations aimed at reaching early agreement on effective measures for the prohibition of the development, production, and stockpiling and the destruction of all chemical weapons.

Urgent Need for Cessation of Nuclear and Thermonuclear Tests

By Resolution 31/66, dated December 10, 1976, the General Assembly condemned all nuclear weapon tests, in whatever environment they may be conducted. The General Assembly declared its profound concern that substantive negotiations towards a comprehensive test ban agreement have not yet begun and reemphasized the urgency of concluding an effective agreement. It once again called upon all nuclear weapon States to suspend the testing of nuclear weapons by agreement, subject to review after a specified period, as an interim step towards the conclusion of a formal and comprehensive test ban agreement. It urged the

Conference of the Committee on Disarmament to continue to give the highest priority to the formulation of a comprehensive test ban agreement.

The Disarmament Decade

In Resolution 31/68, of December 10, 1976, the General Assembly reaffirmed the purposes and objectives of the Disarmament Decade, and deplored the meager achievements of the Disarmament Decade in terms of truly effective disarmament and arms limitation. The Resolution also deplored the detrimental effects on world peace and economy of the continuing unproductive and wasteful arms race, particularly the nuclear arms race. The Assembly called upon all States, as well as the organs concerned with disarmament issues, to give highest priority to the adoption of effective measures for the cessation of the arms race, especially in the nuclear field. Additionally, efforts were urged to be taken by Members for the reduction of military expenditures with a view to achieving complete disarmament.

Furthermore, the General Assembly urged the Conference of the Committee on Disarmament to adopt, during its 1977 session, a comprehensive program dealing with all aspects of the problem of the cessation of the arms race and general and complete disarmament under strict and effective international control. The program would be in accordance with General Assembly Resolution 2602 E (XXIV), which proclaims the Disarmament Decade. The General Assembly also called upon non-governmental organizations, international institutions and organizations to further the goals of the Disarmament Decade.

Convention on the Prohibition of Military or Any Other Hostile Use of Environmental Modification Techniques

The General Assembly, by Resolution 31/72 adopted on December 10, 1976, referred the Convention on the Prohibition of Military or Any Other Hostile Use of Environmental Modification Techniques to all States for their consideration, signature and ratification. The Assembly requested the Secretary General, as depositary of the Convention, to open it for signature and ratification at the earliest possible date. The Assembly also expressed its hope for the widest possible adherence to the convention. The Convention has five substantive articles plus provisions about amendments, duration and other concluding clauses.

In accordance with Article I, each State Party to the Convention undertakes not to engage in military or any other hostile use of environmental modification techniques having widespread, long-lasting or severe effects as the means of destruction, damage or injury to any other State Party. Each State Party to the Convention undertakes not to assist, encourage or induce any State, group of States or international organization to engage in activities contrary to the provisions of the previous paragraph.

Article II provides that, as used in Article I, the term "environmental modification techniques" refers to any technique for changing, through the deliberate manipulation of natural processes, the dynamics, composition or structure of the earth; including its biota, lithosphere, hydrosphere, and atmosphere, or of Outer Space.

According to Article III, the provisions of the Convention shall not hinder the use of environmental modification techniques for peaceful purposes and shall be without prejudice to generally recognized principles and applicable rules of international law concerning such use. The States, as Parties to the convention, undertake to facilitate, and have the right to participate to the fullest extent possible in the exchange of scientific and technological information on the use of environmental modification techniques for peaceful purposes.

Article IV stipulates that each State Party to the convention agrees to take any measures it considers necessary, in accordance with its constitutional processes, to prohibit and prevent activity in violation of the provisions of the Convention which occurs within its jurisdiction.

As provided for in Article V, the States Parties to the Convention undertake to consult one another and to cooperate in solving any problems which may arise in relation to the objectives of, or in the application of, the provisions of the Convention. Any State Party to the Convention which has reasons to believe that any other State Party is acting in breach of obligations under the provisions of the Convention may lodge a complaint with the Security Council of the United Nations. The Security Council shall inform the States Parties to the Convention of the results of its investigation of the complaint.

Article IX, paragraph 3, provides that the Convention shall enter into force, upon the deposit with the Depositary of Instruments of Ratification by 20 Governments. The Secretary General of the United Nations is the Depositary of the Convention.

Effects of Atomic Radiation

In its Resolution 31/10, adopted on November 8, 1976, the General Assembly took note of the report of the United Nations Scientific Committee on the Effects of Atomic Radiation. The Assembly then requested the Committee to continue its work, including its important coordination activities, to increase knowledge of the levels and effects of atomic radiation from all sources.

The Assembly expressed its appreciation for the assistance rendered to the Scientific Committee by Member States, the specialized agencies, the International Atomic Energy Agency, and non-governmental organizations. It noted with satisfaction the growing cooperation between the Scientific Committee and the United Nations Environment Program, particularly on projects to which the Committee can make a significant contribution.

General and Complete Disarmament

In Resolution 31/189, adopted on December 21, 1976, the General Assembly decided to convene a special session of the General Assembly devoted to disarmament, to be held in New York in May and June 1978. It established a Preparatory Committee for the Special Session of the General Assembly Devoted to Disarmament, composed of 54 Member States appointed by the President of the Assembly on the basis of equitable geographic distribution, with the mandate of examining all relevant questions relating to the special session.

Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

The General Assembly, by its Resolution 31/75, of December 10, 1976, decided to urgently call for determined efforts by all nuclear-weapon States: (a) to bring about the cessation of the nuclear arms race; (b) to undertake effective measures in the direction of nuclear disarmament; and (c) to find an early solution to the difficulties in reaching agreement to discontinue all test explosions of nuclear weapons for all time as a step towards the realization of these objectives. The Assembly emphasized the particular responsibility of the two major nuclear-weapon States in this regard.

*Conclusion of a Treaty on the Complete and General
Prohibition of Nuclear-Weapon Tests*

In Resolution 31/89, adopted on December 14, 1976, the General Assembly decided again to call upon all nuclear-weapon States, in accordance with General Assembly Resolution 3478 (XXX), to proceed as soon as possible with negotiations on the conclusion of a treaty on the complete and general prohibition of nuclear-weapon tests, with the participation of non-nuclear-weapon States.

Non-Interference in Internal Affairs of States

In Resolution 31/91, adopted on December 14, 1976, the General Assembly reaffirmed the inalienable right of every State to determine freely, and without any form of foreign interference, their political, social and economic system and their relations with other States and international organizations. It declared that the use of force to deprive peoples of their national identity constitutes a violation of their inalienable rights and of the principle of non-intervention.

Furthermore, the General Assembly in the same resolution denounced any form of interference, overt or covert, direct or indirect, including the recruiting and sending of mercenaries, by one State or group of States. Any act of military, political, economic or other form of intervention in the internal or external affairs of other States, regardless of the character of their mutual relations or their social and economic system, was similarly condemned. In addition, the Assembly denounced all forms of overt, subtle or highly sophisticated techniques of coercion, subversion and defamation, aimed at disrupting the political, social or economic order of other States or the destabilization of Governments seeking to free their economies from external control or manipulation.

The Assembly also called upon all States, in accordance with the purposes and principles of the Charter of the United Nations, to undertake necessary measures to prevent any hostile act or activity from taking place within their territory and directed against the sovereignty, territorial integrity and political independence of another State. The Assembly requested the Secretary General to invite all Member States to express their views on ways in which greater respect for the principle of non-interference in the internal affairs of States can be assured to the General Assembly at its thirty-second session.

United Nations Audio Visual Information Center on Human Settlement

In Resolution 31/115, approved on December 16, 1976, the General Assembly decided to establish a United Nations Audio-Visual Information Center on Human Settlement. It invited all participants in "Habitat: United Nations Conference on Human Settlement" to transfer as appropriate to the Secretary General or his designated agents, the internegatives and international copyright of their audio-visual materials, prepared for and made available to the Conference, including material prepared with the assistance of the United Nations Environment Program.

The Assembly also invited Governments of Member States, as an important part of a program of augmenting the audio-visual material on human settlements, to make available to the United Nations Audio-Visual Information Center on Human Settlements new or enriched audio-visual presentations prepared for their programs of national action.

International Environmental Cooperation

The General Assembly, by its Resolution 31/112, adopted on December 16, 1976, endorsed the view of the Governing Council of the United Nations Environment Program that the institutional arrangements for international environmental cooperation, as stipulated in General Assembly Resolution 2997 (XXVII), the Governing Council of the United Nations Environment Program, the Environment Secretariat, the Fund of the United Nations Environment Program, and the Environment Coordination Board appear adequate and sound.

The Assembly also endorsed the view of the Governing Council in part B of its Decision 78 (IV) that in any decision about the restructuring of the economic and social sectors of the United Nations system, the following elements relating to the role of environmental considerations within the system should be observed, strengthened and given institutional visibility. The United Nations system shall maintain, within a clearly identified institutional arrangement focused on the essential catalytic and coordinating role in the field of the environment, the capacity to:

- (a) take responsibility for environmental issues of a global nature;
- (b) provide guidance and leadership in international environmental affairs;
- (c) offer suitable forums and facilities for treaty-making in the field of the environment at the global and regional levels;

(d) identify, through the programmatic approach, emerging environmental problems, and propose solutions;

(e) manage a separate environment fund as an integral part of the programmatic process;

(f) advocate and articulate the interdependence of environment and development;

(g) respond to the environmental problems of both developed and developing countries; and

(h) respond to the environmental problems of human settlement; which are part of the human environment.

Action Program In Favour of Developing Island Countries

By Resolution 31/156, approved on December 21, 1976, the General Assembly invited the executive heads of concerned United Nations' organizations, and in particular, of the United Nations Development Program, in the continuation of their efforts with respect to developing island countries, to incorporate in their regional and interregional programs the relevant recommendations contained in Resolution 98 (IV) of the United Nations Conference on Trade and Development. The Assembly urged all Governments, particularly those of the developed countries, to lend their support in the context of their assistance programs, for the implementation of the specific action envisaged in favour of developing island countries within the framework of their development plans and priorities.

Specific Action in Favour of Land-Locked Developing Countries

In Resolution 31/157, of December 21, 1976, the General Assembly called upon Member States and the entire international community to give special attention to the trade requirements of the land-locked developing countries, including the possible provision of preferential treatment of their goods. It invited the appropriate organs of the United Nations system, as well as the regional development banks, to consider carefully the particular problems of the land-locked developing countries in their assistance to national subregional and regional infrastructure projects related to transit. It urged the developed countries and all others in a position to do so, to provide technical and/or financial assistance in the form of grants or in the form of concessional loans on appropriate terms to land-locked developing countries for the construction, improvement and maintenance of their transit roads.

Specific Measures To Meet The Need For A Decent Living Environment

In its Resolution 31/113, of December 13, 1976, the General Assembly, bearing in mind that Habitat: United Nations Conference on Human Settlement recommended that specific measures be taken to meet the need for a decent living environment for the most vulnerable groups of society, requested that the Member States and the Secretary General take measures that protect the decent living environment of the most vulnerable social groups, such as children, youth, the elderly and the handicapped, so that they may live in an environment which is equally accessible to all individuals.

International Fund For Agricultural Development

The General Assembly, in its Resolution 31/122, adopted on December 16, 1976, recalled Resolution XIII of November 16, 1974 of the World Food Conference and General Assembly Resolution 3362 (S-VII) of September 16, 1975. It expressed its appreciation to all Governments that have made pledges of contributions to the International Fund for Agricultural Development especially thanking the governments of the developing countries.

United Nations Special Fund for Land-Locked Developing Countries

By Resolution 31/177, approved on December 21, 1976, the General Assembly approved the Statute of the United Nations Special Fund for Land-Locked Developing Countries and appealed to all international organizations and financial institutions, as well as potential donor countries, to provide the necessary financial resources in order to make the Fund operational.

According to its Statute, the Fund shall operate as an organ of the General Assembly. The purposes of the Fund, established in Article 1 of the Statute, state that in order to compensate the land-locked developing countries (LLDC's) for their additional transport and transit costs, the Fund shall:

- (a) provide resources to offset the disadvantages created by the additional transport and transit costs facing the LLDC's;
- (b) provide financial and technical assistance for projects aimed at reducing the transit and related transport costs incurred by the LLDC's, and at other improvements in the transit and related transport facilities and arrangements for these countries;

- (c) provide financial support for studies, to be carried out by appropriate United Nations organs, of existing transit and related transport facilities and arrangements for these countries; and
- (d) coordinate its activities with
 - (i) the programs of studies and technical assistance concerning the transit and related transport needs of LLDC's being carried out by UNCTAD and the regional commissions;
 - (ii) related programs in the Department of Economic and Social Affairs of the UN Secretariat and other UN bodies;
 - (iii) programs of technical and financial assistance on behalf of LLDC's in the UN Development Program and other multi-lateral and bilateral agencies.

Technical Cooperation Among Developing Countries

The General Assembly, through Resolution 31/179, adopted on December 21, 1976, decided to convene the United Nations Conference on Technical Cooperation among Developing Countries at Buenos Aires, from March 27 to April 7, 1978. The Assembly requested the Administrator of the United Nations Development Program, in view of the importance of the Conference, to act as the Secretary General of the Conference.

By Resolution 31/184, of December 21, 1976, the General Assembly decided to convene the United Conference on Science and Technology for Development during 1979, in time for the General Assembly to take action at its thirty-fourth session in the light of the results of the Conference. It decided that the Committee should act as the Preparatory Committee for this Conference, open to the participation of all States.

The Assembly requested the Preparatory Committee to consider the question of the timetable, sites and other necessary arrangements for the regional and international preparatory meetings and to submit its proposals to the Economic and Social Council (ECOSOC), taking into account the time needed for the due completion of the various stages of preparation for the Conference. The Assembly is to make a decision concerning the site of the Conference at its thirty-second session. Further, the Assembly invited the specialized agencies (especially the U.N. Educational, Scientific and Cultural Organization and the International Atomic Energy Agency), the interested organs of the U.N., the United

Nations Industrial Development Organization, the U.N. Conference on Trade and Development (UNCTAD) and the regional commissions to cooperate fully in the preparation for the Conference.

Economic Cooperation Among Developing Countries

The General Assembly, by Resolution 31/119, of December 16, 1976, took note of the report of the Secretary General entitled, "Economic Cooperation among Developing Countries". It requested the Secretary General to study the relevant decisions on economic cooperation among developing countries, with a view to formulating support measures for the realization of the objectives of economic cooperation. The Assembly urged the specialized agencies and other organizations of the United Nations to support measures of economic cooperation and also urged the developed countries to provide assistance for the implementation of such measures.

United Nations University

In its Resolution 31/117, of December 16, 1976, the General Assembly recognized the efforts of the United Nations University in commencing its program activities and welcomed the fact that two of the three priority program areas — world hunger and human and social development — have become operative. The third area, use and management of natural resources, is expected to begin in the near future.

The Assembly encouraged the United Nations University to continue its efforts to launch unique and effective research activities on a global basis and to enlarge its network of scholars and research institutions throughout the world. It reiterated the importance of full cooperation and coordination, within the framework established by United Nations Charter for coordinating policies and activities in the economic, social, cultural and humanitarian fields between the United Nations University and United Nations system. The Assembly also appealed to all Member States to make substantial contributions to the Endowment Fund of the United Nations University as well as financial and other support to specific programs of the University to enable it to embark upon its full activities while maintaining academic autonomy and financial viability.

United Nations High Commissioner for Refugees

The General Assembly, by Resolution 31/35, adopted on November 30, 1976, commended the High Commissioner for Refugees and his staff

for the efficient manner in which they continue to discharge their manifold activities.

It requested the High Commissioner to intensify his efforts, in cooperation with Governments, United Nations bodies and voluntary agencies, to promote permanent and speedy solutions to the problems facing his Office. Such measures would include voluntary repatriation and assistance in the rehabilitation of returnees, integration in countries of asylum, or resettlement of displaced persons in other countries as needed. It recommended that the High Commissioner continue his humanitarian assistance in Africa and urged the fullest cooperation of all concerned for this purpose. Governments were urged to strengthen their support for activities which the High Commissioner is carrying out in accordance with pertinent resolutions of the General Assembly and the ECOSOC.

Role of Youth

In Resolution 31/130, approved on December 16, 1976, the General Assembly expressed its belief that the development process, as well as the promotion of international peace and security, would benefit greatly by the integration and involvement of youth in all related activities. It further considers it necessary to disseminate among youth ideas of peace, respect for human rights and fundamental freedoms, human solidarity and dedication to the objectives of progress and development. It urged all States, to that end, to undertake further steps as may be necessary and appropriate to ensure the full and effective participation of youth in the process of development and cooperation. The Assembly also invited States to promote international exchanges between youth organizations belonging to their respective countries.

Improvement of The Status and Role of Women in Education

The General Assembly, by Resolution 31/134, approved December 16, 1976, appealed to all States, which have not yet done so, to become parties to the Convention against Discrimination in Education of 1960 (prepared by UNESCO), to the Convention concerning Discrimination in respect of Employment and Occupation, 1958, and to the Convention on Human Resources Development adopted in 1975 by the International Labor Organization. The Assembly called upon the States to undertake,

in their economic, social and cultural programs, specific short-term and long-term measures aimed at improving the status and role of women in education.

In another resolution, 31/135 adopted on December 16, 1976, the General Assembly endorsed the decision of ECOSOC to create an International Research and Training Institute for the Advancement of Women, and accepted with appreciation the offer of the Government of Iran to act as host for the Institute.

On the same date the General Assembly adopted Resolution 31/136 through which it approved the program for the United Nations Decade for Women which focuses on the first half of the Decade, 1976 to 1980. It urged governments and the United Nations bodies to take all necessary steps to give effect to this program and to give it priority in view of the real need to achieve the goals of the Decade. The Assembly called upon Governments to take measures to ensure equal and effective participation of women in political, economic, social and cultural life and in policy-making at local, national, regional and international levels.

Human Rights and Scientific and Technological Developments

By Resolution 31/128, approved on December 16, 1976, the General Assembly called upon Member States, in their programs and plans, to take account of the provisions and principles contained in the Declaration on the Use of Scientific and Technological Progress in the Interests of Peace and for the Benefit of Mankind (General Assembly Resolution 3384 (XXX) of November 10, 1975).

The Assembly also requested the Commission on Human Rights, in its consideration of the question of scientific and technological progress and human rights, to give special attention to the implementation of the provisions of the Declaration.

International Conventions On Human Rights

In its Resolution 31/86, of December 13, 1976, the General Assembly welcomed, as a major step in the international efforts to promote universal respect for and observance of human rights and fundamental freedoms, the entry into force of the following: The International Covenant on Economic, Social and Cultural Rights; the Optional Protocol to the International Covenant on Civil and Political Rights; and the International Covenant on Civil and Political Rights.

The Assembly recognized that necessary resources should be allocated to enable the Secretary General to provide appropriate staff and facilities for the effective performance of the functions of the Committee on Human Rights under the International Covenant on Civil and Political Rights, and the Optional Protocol thereto.

United Nations Conference on Succession of States in Respect of Treaties

On November 24, 1976, the General Assembly, by Resolution 31/18, decided that the United Nations Conference on Succession of States in Respect of Treaties would be held from April 4 to May 6, 1977, at Vienna. The Assembly requested the Secretary General to invite all States and certain international organizations to participate in the Conference. It referred the draft articles to the Conference as the basic proposal for its consideration on succession of States with respect to treaties adopted by the International Law Commission.

International Law Commission

After considering the report of the International Law Commission on the work of its twenty-eighth session, the General Assembly, by Resolution 31/97 of December 15, 1976, recommended that the Commission should:

- (a) complete at its thirtieth session the second reading of the draft articles on the most-favoured-nation clause adopted at its twenty-eighth session;
- (b) continue on a high priority basis its work on State responsibility, taking into account previous resolutions with a view to completing the preparation of a first set of draft articles on the responsibility of States for internationally wrongful acts;
- (c) proceed with the preparation, on a priority basis, of draft articles on
 - (i) succession of States in respect of matters other than treaties,
 - (ii) treaties concluded between States and international organizations or between international organizations, and
- (d) continue its study of the law of the non-navigational uses of international watercourses.

The Assembly expressed confidence that the International Law Commission will continue to keep the progress of its work under review and to adopt methods of work best suited to the speedy completion of its tasks. The Assembly also expressed the wish that seminars continue to be held in conjunction with the sessions of the International Law Commission and that an increasing number of participants from developing countries be given the opportunity to attend these seminars.

United Nations Commission on International Trade Law (UNCITRAL)

In Resolution 31/99, adopted on December 15, 1976, the General Assembly commended UNCITRAL for the progress made in its work and for its efforts to enhance the efficiency of its working methods. The Assembly accepted the report of UNCITRAL on its ninth session, and noted with satisfaction the completion of the draft convention on the Carriage of Goods by Sea, and the adoption by the Commission of the Arbitration Rules of UNCITRAL.

The Assembly welcomed the decision of UNCITRAL to hold a second international symposium on international trade law in connection with its tenth session in 1977. It recommended that UNCITRAL should:

- (a) continue its work on the topics included in its program of work;
- (b) continue its work on training and assistance in the field of international trade law, taking into account the special interests of the developing countries;
- (c) maintain close collaboration with UNCTAD and continue to collaborate with international organizations active in the field of international trade law;
- (d) maintain liaison with the Commission on Transnational Corporations with regard to the consideration of legal problems that would be susceptible of action by it;
- (e) continue to give special consideration to the interests of developing countries and to bear in mind the special problems of land-locked countries;
- (f) keep its program of work and working methods under review with the aim of further increasing the effectiveness of its work.

The General Assembly also called upon UNCITRAL to continue to take account of the relevant provisions of the resolutions of the sixth and seventh special sessions of the General Assembly that laid down the foundations of the new international economic order, bearing in mind the need for United Nations organs to participate in the implementation of those resolutions.

Furthermore, the Assembly invited the Commission on Transnational Corporations to refer specific legal issues in its program of work that would be susceptible to action by UNCITRAL, to the latter for its consideration.

The General Assembly, in its Resolution 31/98 of December 15, 1976, recommended the use of the Arbitration Rules of UNCITRAL in the settlement of disputes arising in the context of international commercial relations, particularly by reference to the Arbitration Rules in commercial contracts.

United Nations Conference on the Carriage of Goods by Sea

By Resolution 31/100 of December 15, 1976, the General Assembly expressed its appreciation to UNCITRAL for the valuable work done in having prepared draft articles for a convention on the carriage of goods by sea. The Assembly decided that an international conference of plenipotentiaries shall be convened in 1978 in New York (or at any other suitable place for which the Secretary General may receive an invitation), to consider the question of the carriage of goods by sea and to embody the results of its work in an international convention and such other instruments as it may deem appropriate.

The Assembly referred to the Conference the draft articles together with draft provisions concerning implementation, reservations and other final clauses to be prepared by the Secretary General.

Measures to Prevent International Terrorism

The General Assembly, by Resolution 31/102 of December 15, 1976, expressed deep concern over increasing acts of international terrorism which endanger human life and jeopardize fundamental freedoms, and urged States to continue to seek just and peaceful solutions to the underlying causes which give rise to such acts of violence. The Assembly invited States to become parties to the existing international conventions which relate to various aspects of the problem of international terrorism.

Drafting of an International Convention Against the Taking of Hostages

By Resolution 31/103 of December 15, 1976, the General Assembly decided to establish an *Ad Hoc* Committee on the Drafting of an International Convention Against the Taking of Hostages, composed of 35 Member States. It requested the President of the General Assembly, after consultations with the Chairmen of the regional groups, to appoint the members of the *Ad Hoc* Committee on the basis of equitable geographical distribution and representing the principal legal systems of the world.

The Assembly requested the *Ad Hoc* Committee to draft, at the earliest possible date, an international convention against the taking of hostages and authorize the Committee, in the fulfilment of its mandate, to consider suggestions and proposals from any State, bearing in mind the views expressed during debate on this item at the thirty-first session of the General Assembly.

COUNCIL OF EUROPE*European Convention on the Suppression of Terrorism*

On November 10, 1976 the Committee of Ministers of the Council of Europe approved the European Convention on the Suppression of Terrorism. In its scope this convention is more comprehensive than the conventions on the same subject adopted by the OAS in 1971 and the UN in 1973.

According to Article 1, for the purposes of extradition between Contracting States, none of the following offenses shall be regarded as a political offense or as an act connected with a political offense or as an act inspired by political motives:

(a) an offense within the scope of the Convention for the Suppression of Unlawful Seizure of Aircraft, signed at The Hague on December 16, 1970;

(b) an offense within the scope of the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, signed at Montreal on September 23, 1971;

(c) a serious offense involving an attack against the life, the physical integrity or liberty of internationally protected persons, including diplomatic agents;

(d) an offense involving kidnapping, the taking of hostages or serious unlawful detention;

(e) an offense involving the use of a bomb, grenade, rocket, automatic firearm or letter parcel bomb if this endangers persons;

(f) an attempt to commit any of the foregoing offenses or participation as an accomplice of a person who commits or attempts to commit such an offense.

Article 2 provides that for the purposes of extradition between the Contracting States, a Contracting State may decide not to regard as a political offense or as an act connected with a political offense or as an act inspired by political motives, a serious offense involving an act of violence, other than one covered by Article 1, against the life, the physical integrity or liberty of a person. The same shall apply to a serious offense involving an act against property, other than one covered by Article 1, if the act created a collective danger for persons.

It is stipulated in Article 3 that the provisions of all extradition treaties and arrangements applicable between Contracting States, including the European Convention on Extradition, are modified as between Contracting States to the extent that they are incompatible with this convention.

In Article 5 it is provided that nothing in this Convention shall be interpreted as imposing an obligation to extradite, if the requested State has substantial grounds for believing that the request for extradition for an offense mentioned in Article 1 or 2 has been made for the purpose of prosecuting or punishing a person on account of his race, nationality or political opinion, or that that person's position may be prejudiced for any of these reasons.

Under Article 6, each Contracting State has to take measures necessary to establish its jurisdiction over an Article 1 offense in the case where the suspected offender is present in its territory and it does not extradite him after having received a request for extradition from a State whose jurisdiction is based on a rule existing equally in the law of the requested State. This Convention does not exclude any criminal jurisdiction exercised in accordance with national law.

The Contracting States, in Article 8, should afford one another the widest measure of mutual assistance in criminal matters in connection with proceedings brought in respect of the offenses mentioned in Articles 1 or 2.

In accordance with Article 9, the European Committee on Crime Problems of the Council of Europe shall be kept informed regarding the application of this Convention.

Article 11 establishes that this Convention is open to signature by Member States of the Council of Europe, and it is subject to ratification, acceptance or approval. It shall come into force three months after the date of the deposit of the third instrument of ratification, acceptance or approval.

NATIONAL LEGISLATION

United States: Act For The Prevention and Punishment of Crimes Against Internationally Protected Persons

This Act was adopted on October 8, 1976 (Public Law 94-467). It deals with murder or manslaughter of foreign officials, official guests, or internationally protected persons, and the protection of and the threats and extortion against these officials and persons.

It may be worthwhile to recall that the OAS Convention on terrorism (1971) is in force, and has been ratified by Costa Rica, the Dominican Republic, Mexico, Nicaragua, the United States, and Venezuela. The United Nations Convention of Terrorism, of 1973, has been ratified by about 20 UN Member States. It will come into force 30 days after the deposit of the twenty-second instrument of ratification or of accession. The following Member States of the OAS have ratified this Convention: Ecuador, Nicaragua, Paraguay, and the United States.