

6-1-1972

Regional and International Activities

I. Zanotti

Follow this and additional works at: <http://repository.law.miami.edu/umialr>



Part of the [Comparative and Foreign Law Commons](#), and the [International Law Commons](#)

Recommended Citation

I. Zanotti, *Regional and International Activities*, 4 U. Miami Inter-Am. L. Rev. 291 (1972)

Available at: <http://repository.law.miami.edu/umialr/vol4/iss2/7>

This Report is brought to you for free and open access by Institutional Repository. It has been accepted for inclusion in University of Miami Inter-American Law Review by an authorized administrator of Institutional Repository. For more information, please contact library@law.miami.edu.

REGIONAL AND INTERNATIONAL ACTIVITIES

ISIDORO ZANOTTI
*Chief, Division of Codification
and Legal Integration
Department of Legal Affairs
Organization of American States**

ORGANIZATION OF AMERICAN STATES

GENERAL ASSEMBLY

The OAS General Assembly held its second regular session at the headquarters of the General Secretariat in Washington, D.C., beginning April 11, 1972. The next issue of the *Lawyer of the Americas* will contain a comprehensive report on the resolutions and recommendations that the General Assembly will adopt during that session.

INTER-AMERICAN JURIDICAL COMMITTEE

The Inter-American Juridical Committee met at its headquarters in Rio de Janeiro from January 17 to February 11, 1972. At that session the Committee gave priority to the topic the law of the sea, included in its agenda, but did not approve reports or conclusions on the subject. After long deliberations, the Committee agreed to postpone its consideration for the next regular session to start July 17, 1972.

The Committee also considered other matters such as the strengthening of the Inter-American peace system. In this regard, it studied the observations made by the governments of some Member States on the opinion approved by the Committee at its August-September 1971 session. The Committee agreed, in accordance with resolution AG/RES. 51, to transmit the opinion, together with the observations of the various governments to the Permanent Council of the OAS. In turn, the Permanent Council agreed to submit the opinion of the Committee and the observations made by the

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

governments, to the General Assembly of the OAS at its second regular session.

The Juridical Committee also approved a draft convention on a Latin American traveler's check, and requested the Secretary General of the OAS to transmit it to the governments of the Member States, so that they may submit whatever observations they deem pertinent before July 31, 1972. The General Secretariat has already complied with this request, and the governments' observations will be forwarded to the Juridical Committee as they are received.

PERMANENT OBSERVERS TO THE OAS

At its first regular session, the General Assembly of the OAS established by resolution AG/RES.50 the status of Permanent Observers to the OAS, and entrusted the Permanent Council with the task of determining the criteria and timeliness to give effect to this provision. On January 19, 1972, the Permanent Council approved certain standards concerning the matter [CP/RES.52 (61/72)].

According to the resolution, the American states not members of the OAS, as well as non-American states that participate in programs of the Organization, may request the benefits set forth in resolution AG/RES.50 adopted by the General Assembly. The interested State shall submit its request to the General Secretariat, which will forward it to the Permanent Council for final decision. If the decision of the Permanent Council is favorable, the State in question will inform the Secretary General as to the name of the person appointed to represent it as Permanent Observer. The Secretary General shall in turn pass on the name to the Permanent Council.

It shall be understood that Permanent Observers of American States not members of the OAS shall be accredited to the organs, agencies and entities of the OAS. Taking into account the interest expressed by the States in their respective requests, the Permanent Council shall determine in each case the organs, agencies, and entities the Permanent Observers of non-American states shall be accredited to. The accreditation of Permanent Observers to the Specialized Organizations shall be subject to such regulations as the latter may establish, taking into account any pertinent recommendations of the Permanent Council.

As of the end of March, 1972 the following countries had appointed Permanent Observers to the OAS: Canada, Guyana, Spain, Israel and The Netherlands.

CIES

Among other reports to be submitted by the organs of the OAS and other entities, the Inter-American Economic and Social Council (CIES) shall present its annual report at the second regular session of the General Assembly.

On the matter of the importance accorded to certain of the objectives, the report states that in the early years of the Alliance for Progress there was a tendency to use the 2.5% per capita GNP growth rate established as one of the principal goals of the Alliance, as the primary yardstick for judging a country's progress. Recently, this goal has been achieved in many countries, but progress concerning other major objectives of the Alliance has been less rapid.

As one of the significant trends in inter-American relations, the report mentions the new unity in Latin America with the establishment of CECLA in the mid-1960's. It stresses, however, that not "until 1969 did Latin America formulate at Viña del Mar a policy declaration for all Latin America, which was presented subsequently to the United States." The report refers to the increasing frequency of meetings of Latin American countries through CECLA in recent times, "to establish common positions concerning their economic relations with the U.S. and the rest of the world."

On the economic growth of Latin America as a whole, the report mentions that that growth had maintained an accelerated pace in recent years, reaching a level of 6.7% by 1970. "Given this pace of overall growth, it was possible . . . to exceed for the fourth time in a row, the per capita income growth rate target of 2.5% established in the Charter of Punta del Este and to set a new record of 3.6%." The report notes that this trend is heavily weighted by particularly favorable developments in two large and two medium-size countries—Brazil, Mexico, Colombia and Peru—while nine countries have yet to reach the target rate.

The report also notes the recognized importance of greater investment in human resources for it will reduce unemployment and enhance human dignity. "This strategy implies larger expenditures and new techniques in education as well as greater investment in public health, nutrition, sanitation and other social fields." To achieve this objective international lending institutions would have to explore new policies.

On the problem of foreign investment and technology, the report states that governments have been reexamining the role of foreign enterprises

in the host country. "Their concern is that new foreign investment should fit in well with national aspirations, allowing nationals to remain indisputably in a position to shape the economic destiny of the country." It is further indicated that it is now "widely accepted among Latin American countries that two conditions are essential to bring about these results: On the one hand the host countries should reserve for themselves the right to determine the type of economic activity foreign companies may engage in, as well as the degree of ownership allowed foreign interests in any one enterprise or economic sector. On the other hand, firm ground rules must be established to give the potential foreign investor a clear understanding of his rights and obligations, allowing him to make long-range plans."

The annual report of the CIES also deals with external financing. It states further that the CIES has consistently stressed the advantage of a multilateral approach to external financial assistance to Latin America. It expresses that progress "recently achieved in this respect is gratifying." A substantial increase in the capital of the Inter-American Development Bank (IDB) was voted by its Board of Governors at the 1970 assembly of the Bank. "In fiscal year 1971, the U.S. Congress authorized \$924 million in new resources for the IDB, and more recently the Senate passed a bill authorizing the remaining balance of \$900 million of the U.S. pledge for that bank. Also the Latin American countries have already contributed more than US\$90 million for the same purpose. CIES urges all OAS countries to take as soon as possible whatever action may be still required to complete replenishment of the multilateral institutions, in keeping with their commitments."

The report states that until now the U.S. has provided a great deal of financing for the development of Latin America, although during the last two decades other countries have been able to assume a greater share of this effort. "For this reason," the report continues, "and in view of existing economic, political and cultural ties, between Europe and Japan, and Latin America, CIES will continue its efforts through its Permanent Executive Committee, to persuade these countries to provide a much larger share of such funds, preferably through multilateral arrangements."

CIECC

The third meeting of the Inter-American Council for Education, Science and Culture (CIECC) was held in Panama from January 31 to February 5, 1972. During the course of the meeting several resolutions and recommendations were approved, some of which are summarized below.

The CIECC agreed that a study should be conducted on the experience of the OAS Member States in the field of education designed to increase the return on the resources invested in education, bearing in mind the projects that have been successful in other geographical areas. Another resolution states that the rapid development of the educational systems of the Latin American countries requires more efficient administration; therefore, a study should be made on the changes in the field of administrative decentralization, and a comparative description of the educational administration systems should be prepared.

A recommendation was made to CEPCIECC, the Executive Committee of CIECC, to promote a substantial revision of the methodology now used for the study of human resources. Another recommendation was made to the Regional Scientific and Technological Development Program of the OAS to consider the advisability of establishing, in cooperation with the Government of Peru, multinational projects on Biochemistry, Mathematics and Marine Sciences, taking into account as regards the latter subject the activities already under way in Peru in connection with this project.

CIECC also approved the agenda for the Specialized Conference on the Application of Science and Technology to Latin American Development (CACTAL). The agenda of the Conference is divided into four main topics, as follows: 1. Creation and development of technology. This topic comprises among others the following subjects: education and training of human resources in the area of science and technology; strengthening of Latin American research institutions; incentives to scientific and technological research and innovation. 2. Technological innovation and technology transfer. This topic is subdivided into several sections, such as: demands made by economic and social development upon the scientific and technological system (in areas such as food, education, housing, environmental conditions, urbanization); the problem of unemployment in relation to the use of technology; technological innovation; the processes of transfer, their various aspects, costs, and difficulties; mechanisms of information and dissemination of scientific information. 3. Cooperation for scientific and technological development, comprising the following subjects: Policy and planning of the scientific and technological effort in Latin America; financing of scientific and technological development and mobilization of resources; contribution of the Regional Scientific and Technological Development Program and other OAS programs relating to science and technology, particularly the program on technical cooperation. 4. Specific proposals for cooperation in science and technology among two or more Latin American countries.

The Conference was scheduled for Brasilia, May 12 to 19, 1972.

ADMINISTRATIVE TRIBUNAL OF THE OAS

In resolution AG/RES.35 adopted at its first regular session, the OAS General Assembly created the Administrative Tribunal of the OAS, and empowered the Permanent Council to adopt the pertinent statutes and constitute the tribunal. The Permanent Council approved the statutes of the Administrative Tribunal on July 16, 1971.

On September 16, 1971 the Permanent Council elected the members of the Administrative Tribunal and established their respective terms of office by lot. The Tribunal was constituted as follows: Principal members: Mr. Juan Bautista Climent Beltrán (Mexico), to June 30, 1977; Professor Mozart Víctor Russomano (Brazil), to June 30, 1975; Dr. Carlos Giambruno (Uruguay), to June 30, 1973. Alternate members: Dr. Carlos Alberto Pigretti (Argentina), to June 30, 1977; Dr. John Luiz Antonio Passalacqua (United States), to June 30, 1975; Mr. Ronaldo Porta España (Guatemala), to June 30, 1973.

On January 24, 1972 the Chairman of the Permanent Council installed the Administrative Tribunal, which met in Washington, D.C. from January 24 to February 4, 1972. During the meeting, the Tribunal, among other things, approved its Regulations.

UNITED NATIONS

The XXVI regular session of the U.N. General Assembly was held from September 21 to December 22, 1971. This report contains a resumé of some of the resolutions adopted during that session.

SECURITY COUNCIL

On November 23, 1971 the General Assembly of the United Nations elected five countries to serve on the Security Council for a two-year term beginning January 1, 1972.

As of January 1, 1972, the Security Council is composed of the following members: Argentina, Belgium, China, France, Guinea, India, Italy, Japan, Panama, Somalia, Sudan, USSR, United Kingdom, United States, and Yugoslavia. Of these countries, three are member states of the OAS: Argentina, Panama and the United States.

ECONOMIC AND SOCIAL COUNCIL

On November 23, 1971 the U.N. General Assembly elected nine countries to serve on the Economic and Social Council for a three-year term beginning January 1, 1972.

As of January 1, 1972 ECOSOC is composed of the following 27 members: Bolivia, Brazil, Burundi, Ceylon, Chile, China, Finland, France, Ghana, Greece, Haiti, Hungary, Italy, Japan, Kenya, Lebanon, Madagascar, Malaysia, New Zealand, Niger, Peru, Poland, Tunisia, USSR, United Kingdom, United States and Zaïre. Of these countries, six are member states of the OAS: Bolivia, Brazil, Chile, Haiti, Peru and the United States.

INTERNATIONAL LAW COMMISSION

On November 17, 1971 the U.N. General Assembly elected the following twenty-five members on a single ballot, to constitute the International Law Commission for a five-year term from January 1, 1972 to December 31, 1976:

Roberto Ago (Italy); Gonzalo Alcívar (Ecuador); Milan Bartos (Yugoslavia); Mohammed Bedjaoui (Algeria); Suat Bilge (Turkey); Jorge Castañeda (Mexico); Abdullah El-Erian (Egypt); Taslim Olawale Elias (Nigeria); Edvard Hambro (Norway); Richard D. Kearney (United States); R. Q. Quentin-Baxter (New Zealand); Alfred Ramangasoavina (Madagascar); Paul Reuter (France); Zenon Rossides (Cyprus); José María Ruda (Argentina); José Sette Câmara (Brazil); Nagendra Singh (India); Abdul Hakim Tabibi (Afghanistan); Arnold J. P. Tammes (Netherlands); Doudou Thiam (Senegal); Senjin Tsuruoka (Japan); Nikolai A. Ushakov (Soviet Union); Endre Ustor (Hungary); Sir Humphrey Waldock (United Kingdom); Mustafa Kamil Yasseen (Iraq).

With the exception of the members from Turkey, Norway, New Zealand and Cyprus, all members were reelected to the International Law Commission.

INDUSTRIAL DEVELOPMENT BOARD

On December 16, 1971 the U.N. General Assembly elected fifteen countries to serve on the Industrial Development Board for a three-year term beginning January 1, 1972.

The Board is composed of 45 members. Of these, nine are member states of the OAS: Argentina, Brazil, Costa Rica, Cuba, Mexico, Peru, United States, Uruguay and Venezuela.

CONVENTION ON DAMAGE CAUSED BY SPACE OBJECTS

After several years of work by the U.N. Committee on the Peaceful Uses of Outer Space, and in particular by its Legal Sub-Committee, the

General Assembly approved by resolution 2777 (XXVI) of November 29, 1971, the Convention on International Liability for Damage Caused by Space Objects. The Assembly requested the Depositary Governments to open the Convention for signature and ratification at the earliest possible date.

Article I of the Convention establishes certain definitions. Under Article II, a launching State shall be absolutely liable to pay compensation for damage caused by its space object on the surface of the earth or to aircraft in flight. According to Article III, in the event of damage being caused elsewhere than on the surface of the earth to a space object of one of the launching States or to persons or property on board such a space object of another launching State, the latter shall be liable only if the damage is due to its fault or the fault of persons for whom it is responsible.

Article V stipulates that whenever two or more States jointly launch a space object, they shall be jointly and severally liable for any damage caused. A launching State which has paid compensation for damage shall have the right to present a claim for indemnification to other participants in the joint launching. The participants in a joint launching may conclude agreements regarding the apportioning among themselves of the financial obligation in respect of which they are jointly and severally liable. A State from whose territory or facility a space object is launched shall be regarded as a participant in a joint launching.

According to Article VII, the provisions of the Convention shall not apply to damage by a space object of a launching State to:

- a. Nationals of that launching State;
- b. Foreign nationals during such time as they are participating in the operation of that space object from the time of its launching or at any stage thereafter until its descent, or during such time as they are in the immediate vicinity of a planned launching or recovery area as the result of an invitation by that launching State.

Article VIII provides that a State which suffers damage, or whose natural or juridical persons suffer damage, may present to a launching State a claim for compensation for such damage. If neither the State of nationality nor the State in whose territory the damage was sustained has presented a claim or notified its intention of presenting a claim, another State may, in respect of damage sustained by its permanent residents, present a claim to a launching State. Under Article IX, a claim for compensation for damage shall be presented to a launching State through diplomatic channels. If a State does not maintain diplomatic relations with the

launching State concerned, it may request another State to present its claim. It may also present its claim through the Secretary General of the United Nations, provided the claimant State and the launching State are both members of the U.N.

As provided in Article X, a claim for compensation for damage may be presented to a launching State not later than one year following the date of the occurrence of the damage or the identification of the launching State which is liable.

Article XI stipulates that presentation of a claim to a launching State for compensation for damage under the Convention shall not require the prior exhaustion of any local remedies which may be available to a claimant State or to natural or juridical persons it represents.

Under Article XIV if no settlement of a claim is arrived at through diplomatic negotiations provided for in Article XI, within one year from the date on which the claimant State notifies the launching State that it has submitted the documentation of its claim, the parties shall establish a Claims Commission at the request of either party. The Claims Commission, according to Article XV, shall be composed of three members; one appointed by the claimant State, one appointed by the launching State and a third, the Chairman, to be chosen by both parties jointly.

The Commission shall decide the merits of the claim for compensation and determine the amount of compensation payable, if any (Article XVIII). The decision of the Commission shall be final and binding if the parties have so agreed; otherwise the Commission shall render a final and recommendatory award, which the parties shall consider in good faith (Article XIX).

The Convention shall be open for signature to all States. The Convention is subject to ratification by signatory States. The instruments of ratification and of accession shall be deposited with the governments of the Depositary State. The Depositary Governments are those of the United States of America, United Kingdom and USSR. The Convention shall enter into force on the deposit of the fifth instrument of ratification (Article XXIV).

DISARMAMENT

In Resolution 2825 (XXVI), adopted on December 16, 1971, the U.N. General Assembly requested the International Atomic Energy Agency to include in its annual report to the General Assembly full information on

the progress of its work on the application of safeguards in connection with the Treaty on the Non-Proliferation of Nuclear Weapons, including safeguards on nuclear material in uranium enrichment plants using both existing and new techniques. The General Assembly also reaffirmed the responsibility of the United Nations in the fundamental goal of the attainment of general and complete disarmament, and expressed its support for the practice of requesting the Secretary General to prepare, with the assistance of consultant experts, authoritative reports on concrete questions relating to the arms race and disarmament.

**CONVENTION ON THE PROHIBITION OF THE DEVELOPMENT,
PRODUCTION AND STOCKPILING OF BACTERIOLOGICAL
(BIOLOGICAL) AND TOXIN WEAPONS
AND ON THEIR DESTRUCTION**

In Resolution 2826 (XXVI) adopted on December 16, 1971 the U.N. General Assembly approved the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction, presented to the Assembly by the Conference of the Committee on Disarmament. The Assembly requested the Depositary Governments to open the Convention for signature and ratification at the earliest possible date.

Article I provides that each State Party to the Convention undertakes under no circumstances to develop, produce, stockpile or otherwise acquire or retain:

- a. Microbial or other biological agents, or toxins whatever their origin or method of production, of types and in quantities that have no justification for prophylactic, protective or other peaceful purposes;
- b. Weapons, equipment or means of delivery designed to use such agents or toxins for hostile purposes or in armed conflict.

Under Article II each State Party to the Convention undertakes to destroy, or to divert to peaceful purposes, as soon as possible but not later than nine months after the entry into force of the Convention, all agents, toxins, weapons, equipment and means of delivery specified in Article I of the Convention, which are in its possession or under its jurisdiction or control. In implementing this provision all necessary safety precautions should be observed to protect populations and the environment.

Each State Party to the Convention undertakes as provided for in Article III, not to transfer to any recipient whatsoever, directly or indirectly, nor to assist, encourage, or induce any State, group of States or international organizations to manufacture or otherwise acquire any of the agents, toxins, weapons, equipment or means of delivery specified in Article I of the Convention.

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 objective of, or in the application of the provisions of the Convention (Article V).

Article VI stipulates in its paragraph 1 that any State Party to the Convention which finds that any other State Party is acting in breach of obligations deriving from the provisions of the Convention may lodge a complaint with the Security Council of the United Nations. Such a complaint should include all possible evidence confirming its validity as well as a request for its consideration by the Security Council.

According to Article VIII, nothing in the Convention shall be interpreted as in any way limiting or detracting from the obligations assumed by any State under the Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or other Gases, and of Bacteriological Methods of Warfare, signed at Geneva on June 17, 1925.

The States Parties to the Convention undertake to facilitate and have the right to participate in the fullest possible exchange of equipment, materials and scientific and technological information for the use of bacteriological (biological) agents and toxins for peaceful purposes. Parties to the Convention in a position to do so shall also cooperate in contributing individually or together with other States or international organizations to the further development and application of scientific discoveries in the field of bacteriology (biology) for prevention of disease, or for other peaceful purposes (Article X, paragraph 1).

The Convention shall be open for signature to all States, and shall be subject to ratification by signatory States. The instruments of ratification and of accession shall be deposited with the Governments of the United Kingdom, the USSR and the United States, which are the Depositary Governments. The Convention shall enter into force after the deposit of the instruments of ratification by twenty-two Governments, including the Governments designated as Depositaries of the Convention (Article XIV).

SUSPENSION OF NUCLEAR AND THERMONUCLEAR TESTS

In Resolution 2828 (XXVI) adopted on December 16, 1971 the U.N. General Assembly, recalling its previous resolutions on the matter, reiterated solemnly and most emphatically its condemnation of all nuclear weapons tests. It also urged the Governments of nuclear-weapons States to bring to a halt all nuclear weapons tests at the earliest possible date and, in any case, not later than August 5, 1973. It further appealed to nuclear Powers to desist from carrying out further nuclear and thermonuclear tests, whether underground, under water or in the earth's atmosphere, and urged the nuclear Powers to reach an agreement without delay on the cessation of all nuclear and thermonuclear tests.

In another section of the Resolution, the General Assembly stressed anew the urgency of bringing to a halt all nuclear weapons testing in all environments by all States. It urged all States that have not yet done so to adhere without further delay to the Treaty Banning Nuclear Weapons Tests in the Atmosphere, in Outer Space and under Water, and meanwhile to refrain from testing in the environments covered by that Treaty. It also called upon all Governments that have been conducting nuclear weapons tests, immediately to undertake unilateral or negotiated measures of restraint that would suspend nuclear weapons testing or limit or reduce the size and number of nuclear weapons tests, pending the early entry into force of a comprehensive ban on all nuclear weapons tests in all environments by all States.

TREATY OF TLATELOLCO

The U.N. General Assembly, in Resolution 2830 (XXVI) adopted December 16, 1971, recalled previous resolutions and in particular Resolution 2286 (XXII) which declared that the Treaty for the Prohibition of Nuclear Weapons in Latin America (Treaty of Tlatelolco) constitutes an event of historic significance in the efforts to prevent the proliferation of nuclear weapons and to promote international peace and security. In Resolution 2830 (XXVI) the General Assembly reaffirmed its conviction that, for the maximum effectiveness of any treaty establishing a nuclear-weapons-free-zone, the cooperation of the nuclear weapons States is necessary, and that such cooperation should take the form of commitments likewise undertaken in a formal international instrument which is legally binding, such as a treaty, convention or protocol. It also noted with satisfaction that the United States deposited its instrument of ratification of Additional Protocol II of the Treaty for the Prohibition of Nuclear Weap-

ons in Latin America on May 12, 1971, thus becoming a State Party to the Protocol as the United Kingdom has been since 11 December 1969. It deplored the fact that the other nuclear-weapons States have not yet heeded the urgent appeals which the General Assembly has made in three different resolutions and urged them again to sign and ratify without further delay Additional Protocol II of the said Treaty.

DECLARATION OF THE INDIAN OCEAN AS A ZONE OF PEACE

In Resolution 2832 (XXVI) adopted December 16, 1971 the U.N. General Assembly declared that the Indian Ocean, within limits to be determined, together with the air space above and the ocean floor subjacent thereto, is designated for all time as a zone of peace. It called upon the great Powers to enter into immediate consultations with the littoral States of the Indian Ocean with a view to:

- a. Halting further escalation and expansion of their military presence in the Indian Ocean;
- b. Eliminating from the Indian Ocean all bases, military installations, logistical supply facilities, the disposition of nuclear weapons and weapons of mass destruction.

It also called upon the littoral and hinterland States of the Indian Ocean, the permanent members of the Security Council and other major maritime users of the Indian Ocean, in pursuit of the objective of establishing a system of universal collective security without military alliances and strengthening international security through regional and other cooperation, to enter into consultations with a view to the implementation of this Declaration. The resolution also provides that warships and military aircraft may not use the Indian Ocean for any threat or use of force against the sovereignty, territorial integrity or independence of any littoral or hinterland State of the Indian Ocean in contravention of the purposes and principles of the United Nations.

INTERNATIONAL SECURITY

In Resolution 2880 (XXVI) adopted December 21, 1971 the U.N. General Assembly, bearing in mind the Declaration on the Strengthening of International Security [Resolution 2734 (XXV), of December 16, 1970], reaffirmed all the principles and provisions contained in the Declaration and strongly appealed to all States to take effective measures to implement

the Declaration in its entirety. In addition it called upon all States to contribute towards resolving existing conflicts and situations likely to endanger international peace and security; it called upon all States to respect the national unity, political independence and territorial integrity of every State, to refrain from the threat or use of force and to observe fully the principle that the territory of a State shall not be the object of military occupation resulting from the use of force in violation of the Charter, as well as the principle that the acquisition of territory by force is inadmissible. It also invited the Security Council to consider all appropriate means and procedures for ensuring the strict and full implementation of its resolutions relating to international peace and security.

SEA BED AND THE OCEAN FLOOR

The U.N. General Assembly, in Resolution 2881 (XXVI) approved December 21, 1971, noted with satisfaction the encouraging progress of the preparatory work of the Committee on the Peaceful Uses of the Sea-Bed and the Ocean Floor beyond the Limits of National Jurisdiction towards a comprehensive conference on the law of the sea, in conformity with its mandate contained in General Assembly Resolution 2750 (XXV), in particular with regard to the elaboration of the international regime and machinery for the sea-bed and the ocean floor, and the subsoil thereof, beyond the limits of national jurisdiction. The Assembly agreed to add to the membership of the Committee, China and four other members to be appointed by the Chairman of the First Committee in consultation with regional groups with due regard to the interests of under-represented groups. It also requested the Committee to hold two sessions, one in New York during March-April and one in Geneva during July-August 1972.

UNCITRAL

In Resolution 2766 (XXVI) adopted November 17, 1971 the U.N. General Assembly took cognizance of the report of the United Nations Commission on International Trade Law (UNCITRAL) on the work of its fourth session, and commended its members for their contribution to the progress made in the work of the Commission.

It recommended that UNCITRAL should:

- a. Continue to pay special attention to the topics to which it had decided to give priority, that is, the international sale of goods, inter-

national payments, international commercial arbitration and international legislation on shipping;

- b. Accelerate its work on training and assistance in the field of international trade law, with special regard to developing countries;
- c. Continue to collaborate with international organizations active in the field of international trade law;
- d. Continue to give special consideration to the interests of developing countries and to bear in mind the special problems of land-locked countries;
- e. Continue in its use of working groups and other working methods, to seek to enhance its efficiency and to ensure full consideration of the needs of all regions;
- f. Keep its program of work under constant review.

The Assembly also noted with satisfaction the publication of the first volume of the Yearbook of UNCITRAL and the first volume of the Register of Texts of conventions and other instruments concerning international trade law, and authorized the Secretary General to publish the second volume of the Register of Texts.

INTERNATIONAL LAW COMMISSION

In Resolution 2780 (XXVI), adopted December 3, 1971 the U.N. General Assembly emphasized the need for the further codification and progressive development of international law in order to make it a more effective means of implementing the purposes and principles set forth in Articles 1 and 2 of the Charter of the United Nations and to give increased importance to its role in relations among nations. It took note of the report of the International Law Commission (ILC) on the work of its twenty-third session, and expressed its appreciation to ILC for the work accomplished at that session.

The General Assembly recommended that the International Law Commission should:

- a. Continue work on succession of States, taking into account the views and considerations referred to in certain resolutions of the General Assembly;
- b. Continue work on State responsibility, taking into account the views and considerations referred to in certain resolutions of the

General Assembly, with a view to making in 1972 substantial progress in the preparation of draft articles on the subject;

c. Continue study of the most-favoured-nation clause;

d. Continue consideration of the question of treaties concluded between States and international organizations or between two or more international organizations.

It also recommended that the ILC, in the light of its scheduled program of work, decide upon the priority to be given to the topic of the law of the non-navigational uses of international watercourses. It also expressed the wish that, in conjunction with future sessions of the International Law Commission, other seminars might be organized, which should continue to ensure the participation of an increasing number of jurists of developing countries.

The General Assembly further requested the Secretary General to invite comments before April 1, 1972 from Member States on the question of the protection of diplomats and to transmit them to the ILC at its twenty-fourth session. It also requested the ILC to study as soon as possible, in the light of the comments of Member States, the question of the protection and inviolability of diplomatic agents and other persons entitled to special protection under international law, with a view to preparing a set of draft articles dealing with offences committed against diplomats and other persons entitled to special protection under international law, for submission to the General Assembly at the earliest date which the Commission considers appropriate.

U.N. PROGRAM OF ASSISTANCE IN THE TEACHING, STUDY AND WIDER APPRECIATION OF INTERNATIONAL LAW

In Resolution 2838 (XXVI) approved December 18, 1971 the General Assembly considered that international law should occupy an appropriate place in the teaching of legal disciplines at all universities, and expressed the conviction that States, international organizations and institutions should be encouraged to give further support to the Program and to increase their activities to promote the teaching, study, dissemination and wider appreciation of international law, in particular those activities which are of special benefit to persons from developing countries.

The Assembly authorized the Secretary General to carry out in 1972 and 1973 the activities in this field, including the provisions of:

- a. A minimum of fifteen scholarships in 1972 and 1973 at the request of Governments of developing countries;
- b. Assistance in the form of a travel grant for one participant from each developing country who will be invited to the regional training course to be held in Latin America in 1972 and to the regional symposium to be held in Asia in 1973, to be financed from budgetary provisions of the regular budget.

WORLD TOURISM ORGANIZATION

The U.N. General Assembly, in Resolution 2802 (XXVI) of December 14, 1971, invited States whose national tourism organizations are members of the International Union of Official Travel Organizations to approve, as soon as possible, the statutes of the World Tourism Organization. It emphasized that an agreement between the United Nations and the World Tourism Organization (WTO) defining the role and sphere of competence of the latter, should be concluded soon after the establishment of the WTO. It recommended intensified negotiations between the United Nations and the International Union of Official Travel Organizations with a view to finalizing a draft agreement.

Furthermore, the General Assembly endorsed the recommendations of the Economic and Social Council that the following guidelines be kept in mind during those negotiations:

- a. The World Tourism Organization shall have the decisive and central role in the field of world tourism in cooperation with the existing machinery within the United Nations;
- b. The fundamental aim of the World Tourism Organization shall be the promotion and development of tourism and particular attention shall be paid to the interests of the developing countries in this regard.

COMPUTER TECHNOLOGY

In Resolution 2804 (XXVI) of December 14, 1971, the General Assembly took note of the conclusions and recommendations contained in the report of the Secretary General entitled "The Application of Computer Technology for Development" prepared in pursuance of General Assembly Resolution 2458 (XXIII). Among these conclusions and recommendations are those regarding the need for each developing country to

formulate a broad national policy on the application of computer technology, the education and training for the application of computers to accelerate the process of economic and social development, the increase of international cooperation in this field, and the establishment of an international advisory board on the application of computer technology to development.

The Assembly urged the governments to give particular attention to the application of computer technology, consistent with their national goals, and invited them to encourage broader bilateral and multilateral cooperation in this field and to explore new ways and means to intensify this cooperation. It invited the United Nations Development Program to envisage providing the developing countries, upon their request, with suitable assistance in the field of computer technology.

INTERNATIONAL MONETARY SITUATION

In Resolution 2806 (XXVI) adopted December 14, 1971, the General Assembly recommended that any form of international monetary system must be geared to a more dynamic concept of the developing countries, must create conditions appropriate for a continuing expansion of world trade, taking into account especially the needs of the developing countries and facilities. It urged as a preliminary step the elimination of all restrictive measures in the context of the international monetary crisis which adversely affect the developing countries. It called upon all developed countries which have not already done so to proceed with the implementation in 1972 of the generalized preferences in favour of developing countries as provided for in the International Development Strategy.

The Assembly further indicated that the following considerations and guidelines, among others, should be taken into account in the reform of the international monetary order:

- a. The full participation of all interested countries in the process of decision-making with a view to achieving a steady, uninterrupted expansion of commercial and financial flows, especially those of the developing countries;
- b. The restoration and strengthening of the operation and authority of the International Monetary Fund in all matters of concern to the international community as a means of protecting the interests of all countries, especially those of the developing countries;

- c. The establishment of a satisfactory structure of exchange rates maintained within narrow margins;
- d. Adequate provision for the creation of additional international liquidity, through truly collective international action;
- e. The creation of a link between Special Drawing Rights and additional resources for financing development as an integral part of the new international monetary system;
- f. The establishment of a permanent system of guarantees against exchange losses affecting the reserves of developing countries;
- g. The introduction of appropriate provisions in the Articles of Agreement of the International Monetary Fund which would increase the voting power of the developing countries.

TRANSFER OF TECHNOLOGY, INCLUDING KNOW-HOW AND PATENTS

In Resolution 2821 (XXVI) of December 16, 1971 the General Assembly recalled its Resolution 2658 (XXV) of December 7, 1970, on the role of modern science and technology in the development of nations and the need to strengthen economic and technico-scientific cooperation among States, and Resolution 2726 (XXV) of December 15, 1970 on the transfer of technology, including know-how and patents. It also indicated that it was conscious of the fact that, unless decisive action is taken at all levels, especially at the international level, for a more rapid transfer of adequate technology to the developing countries, the growing rate of technological development in the world will contribute to widening further the technological gap between developed and developing countries, particularly in the least developed among the latter.

The Assembly welcomed the unanimous adoption by the Intergovernmental Group on Transfer of Technology of the UNCTAD at its organizational (first) session, of a comprehensive program of work in the field of the transfer of operative technology to the developing countries to be pursued on a continuing basis. The Assembly recommended that UNCTAD at its third session should seek agreement on action, to be carried out as an integral part of the International Development Strategy for the Second U.N. Development Decade within its field of competence, to facilitate the adequate transfer of technology to developing countries on reasonable terms and conditions and to create the necessary infrastructure for the technological development of developing countries, including the transfer

of specifications of the raw materials and technological processes utilized in production.

ENLARGEMENT OF THE U.N. ECONOMIC AND SOCIAL COUNCIL

The U.N. General Assembly, in Resolution 2847 (XXVI) of December 20, 1971 agreed to adopt, in accordance with Art. 108 of the Charter of the United Nations, the following amendment to the Charter and to submit it for ratification to the Member States:

Article 61. 1. The Economic and Social Council shall consist of fifty-four Members of the United Nations elected by the General Assembly.

2. Subject to the provisions of paragraph 3, eighteen members of the Economic and Social Council shall be elected each year for a term of three years. A retiring member shall be eligible for immediate re-election.

3. At the first election after the increase in the membership of the Economic and Social Council from twenty-seven to fifty-four members, in addition to the members elected in place of the nine members whose term of office expires at the end of that year, twenty-seven additional members shall be elected. Of these twenty-seven additional members, the term of office of nine members so elected shall expire at the end of one year, and of nine other members at the end of two years, in accordance with arrangements made by the General Assembly.

4. Each member of the Economic and Social Council shall have one representative.

The Assembly urged all Member States to ratify the above mentioned amendment in accordance with their respective constitutional processes at the earliest date possible and to deposit their instruments of ratification with the Secretary General.

Furthermore, the Assembly decided that the members of ECOSOC shall be elected as follows:

- a. Fourteen members from African States;
- b. eleven members from Asian countries;
- c. ten members from Latin America;
- d. thirteen members from Western Europe and other states;
- e. six members from socialist states of Eastern Europe.

DEVELOPMENT AND ENVIRONMENT

In Resolution 2849 (XXVI) of December 20, 1971 the U.N. General Assembly, recalling its previous resolutions on the subject, urged the international community and the organizations of the United Nations system to strengthen international cooperation in the fields of environment, rational utilization of natural resources and preservation of adequate ecological balance. It reaffirmed that it is important for the U.N. Conference on the Human Environment to take fully into account the interest of the developing countries and, in this context, endorsed the views expressed in the Declaration and Principles of Action Program adopted at the Second Ministerial Meeting of the Developing Countries, known as the Group of 77, at Lima on November 7, 1971.

The Assembly stressed that both the action plan and the action proposals to be submitted to the Conference must, *inter alia*:

- a. Respect fully the exercise of permanent sovereignty over natural resources, as well as the right of each country to exploit its own resources, in accordance with its own priorities and needs, and in such a manner as to avoid producing harmful effects on other countries;
- b. recognize that no environmental policy should adversely affect the present or future development possibilities of the developing countries;
- c. recognize that the burden of the environmental policies of the developed countries cannot be transferred, directly or indirectly, to the developing countries;
- d. respect fully the sovereign right of each country to plan its own economy to define its own priorities, to determine its own environmental standards and criteria, to evaluate its own social costs of production and to formulate its own environmental policies, in the full understanding that environmental action must be defined basically at the national level, in accordance with locally prevailing conditions and in such a manner as to avoid producing harmful effects on other countries;
- e. avoid any adverse effects of environmental policies and measures on the economy of the developing countries in all spheres, including international trade, international development assistance and transfer of technology.

Furthermore, the Assembly urged the States possessing nuclear weapons to put an end to the testing of these weapons in all spheres.

It also urged the Member States, the United Nations system and other international organizations which deal with ecological problems to plan international cooperation in the domain of the environment, taking into particular account the need for increased technical and financial assistance to the developing countries to help them improve their ecological conditions in both rural and urban areas.

UNITED NATIONS CONFERENCE ON THE HUMAN ENVIRONMENT

In Resolution 2850 (XXVI) of December 20, 1971, the U.N. General Assembly, recalling its previous resolutions on the preparations for the U.N. Conference on the Human Environment, approved the provisional agenda for the Conference as formulated in the report of the Secretary General on the basis of the recommendations of the Preparatory Committee of the Conference. It also approved the draft rules of procedure for the Conference. It requested the Secretary General to invite Member States of the United Nations or members of the specialized agencies or the International Atomic Energy Agency to participate in the Conference, and to invite other intergovernmental and non-governmental organizations to be represented by observers at the Conference.

The Assembly further requested the Secretary General to conclude the preparations for the Conference and to circulate the following documents in advance of the Conference:

- a. Draft declaration on the human environment;
- b. draft action plan, constituting a blue-print for international cooperation to protect and enhance the present, and future quality of the environment for human life and well-being;
- c. such other draft proposals as may be ready for consideration by the Conference;
- d. draft proposals for organizational and financial arrangements needed to pursue effectively the work of the U.N. system of organizations in the environmental field.