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Regional and International Activities

Isidoro Zanotti

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REGIONAL AND INTERNATIONAL ACTIVITIES

ISIDORO ZANOTTI *

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A. Convention on Early Notification of a Nuclear Accident

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I. Organization of American States: The Central American Situation

Ambassador João Clemente Baena Soares, the Secretary General of the Organization of American States, addressed the Permanent Council on January 29, 1987, reporting that he "had received and accepted an invitation from the foreign ministers of the member countries of the Contadora Group and the Support Group to join them and the United Nations Secretary General on a visit to the five Central American Countries."[1] Ambassador Baena Soares noted that the five Central American countries not only agreed to

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receive the foreign ministers and the secretaries general, but also understood the Foreign Minister's objectives, just as they understood the intentions of the Aide-memoire presented to them by Ambassador Baena Soares and the United Nations Secretary General in November 1986.

Ambassador Baena Soares stated that, in their talks with the five Central American countries, the heads of state and high-ranking officials “received us with great interest and appreciation and generously gave us several hours of their time.” In describing the meetings, Ambassador Baena Soares underscored the fact that:

The heads of state told the visitors of their respect for and support of the Contadora efforts, and of their desire to see the negotiating process continue to assist in the quest for a solution to the problems besetting Central America. They also recognized that the presence of the secretaries general of the United Nations and of the Organization of American States was of very positive significance, in that it reflected the growing concern of the international community in general and of the regional community in particular. This reinforces my belief in participating in peace efforts within my responsibilities as Secretary General [of the OAS].

Ambassador Baena Soares went on to state that:

Among the peoples we visited, I sensed an evident desire for lasting peace and tranquility, so that they can realize their destiny of economic and social progress. However, to be as clear as the delicate situation in the Central America isthmus requires, I would add that in my view, those desires are not being matched by the kind of steadfast determination on the part of the governments that could lead to a resumption of dialogue and negotiation.

Ambassador Baena Soares further emphasized that:

The first positive result of our visit was the visit itself. It provided an opportunity to carry on a dialogue at the highest level so as to learn the positions of the governments and identify possible points of rapprochement and convergence. What I observed indicates that, however weak those points may seem, the possibilities of continuing the dialogue and expanding the basis for preserving the efforts made by the Contadora and Support Groups must be explored, in order to break the negotiations deadlock in the area. It is imperative that political capacity and determination manifest themselves in the form of realistic
The Ambassador stated that it was his “duty” to point out that:

Time is not working in peace’s favor. The passage of time tends to consolidate situations; in the case of the Central American countries, this could mean consolidating dangerous attitudes and behaviors. The Central American countries must not become accustomed to living with today’s tensions and conflicts. They need peace to develop. They need to draw inspiration from their own realities so that peoples as well as governments may respond with adequate solutions to the region’s most pressing problems, which are not only political or ideological, but above all social and economic. Human effort and material resources must be mobilized, not for the purpose of stabilizing situations that separate and divide the Central American family, but rather to combat under-development and open up the avenues of progress.

Ambassador Baena Soares indicated one way in which to accomplish these objectives: “to find a comprehensive settlement to present differences by means of a negotiated peace founded upon mutual respect and brought about by overcoming temporary distrust.” He concluded:

[I am] heartened by the renewed support for the Contadora efforts that I heard from the Central American heads of state. Accordingly, again I urge the Central American countries and the countries of the Contadora Group and the Support Group to persist in this effort to find, with renewed energies and through diplomacy, which is the instrument of dialogue and harmonization of interests, the peace that all peoples of Central America demand.

II. 1986 Regular Session of the OAS General Assembly

The sixteenth regular session of the OAS General Assembly was held in Guatemala City, Guatemala, November 10-15, 1986. At this session, the General Assembly approved several resolutions on political, legal, economic, educational, social and administrative matters. The following is a summary of some of the resolutions.²

A. Inter-American Juridical Committee

The General Assembly expressed its satisfaction and appreciation to the Inter-American Juridical Committee for its annual report\(^3\) and requested the OAS member states to forward to the Juridical Committee their observations on the draft Inter-American Convention on the Return of Minors, which had been approved by the Committee. Furthermore, the General Assembly urged "the governments of the member states to review the draft Inter-American Convention on Judicial Assistance in Penal Matters" prepared by the Juridical Committee, and to submit their comments on this draft convention to the Permanent Council at the earliest opportunity. In addition, the Assembly requested the Permanent Council to begin its study of the draft Convention upon receipt of comments from the governments of the member states, or no later than May 1987, and to report the results of its study to the General Assembly at its seventeenth regular session (1987). Furthermore, the Assembly urged the "governments of the member states to consider signing and ratifying the 1981 Inter-American Convention on Extradition\(^4\) if they have not yet done so." This Convention was adopted by an OAS specialized conference held in Caracas in February 1981.

Regrettably, the General Assembly did not recognize the Course on International Law organized by the Inter-American Juridical Committee and held since 1974 with the close collaboration of the Secretariat for Legal Affairs, the Fellowship Program of the OAS General Secretariat, and the Getulio Vargas Foundation of Rio de Janeiro. However, in all previous regular sessions, the OAS General Assembly has recognized the Inter-American Juridical Committee for this outstanding activity. For example, at its sixth regular session held in 1976, the General Assembly congratulated the Inter-American Juridical Committee "for organizing and holding the Course on International Law, an activity that has been very useful and important to the member states";\(^5\) and at its eleventh regular session held in 1981, the General Assembly adopted a resolution in which it decided to

Reaffirm its support of the Course on International Law for having constituted, ever since its creation, an especially useful activ-

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3. OAS Doc. AG/RES. 833 (XVI-0/86).
4. OAS Doc. AG/RES. 822 (XVI-0/86).
5. OAS Doc. AG/RES. 235 (VI-0/76).
ity for the OAS member states and for having contributed to the examination, in-depth study, and updating of matters of great importance and interest to contemporary international law, and especially to inter-American relations.\(^6\)

**B. The Fourth Inter-American Specialized Conference on Private International Law (CIDIP-IV)**

The Assembly recommended that the Permanent Council continue, in cooperation with the General Secretariat, the preparatory work for the Fourth Inter-American Specialized Conference on Private International Law\(^7\) (CIDIP-IV) and that, as part of that work, it consider the recommendations of the preceding Conference (CIDIP-III), particularly those concerning the convocation of meetings of experts in private international law to consider those topics on the agenda that require specialized study. The Assembly instructed the General Secretariat to draw up a work program focused on the preparation of technical and information documents to facilitate the work of CIDIP-IV and of any meeting of experts agreed upon.

In addition, the General Assembly requested the Permanent Council to study the possibility of calling a meeting of central authorities to evaluate their experience in applying inter-American conventions that are procedural in nature; in particular, the Inter-American Conventions of Letters Rogatory; on the Taking of Evidence Abroad, on Proof of and Information on Foreign Law; and the respective Additional Protocols to the Inter-American Conventions on Letter Rogatory and the Taking of Evidence Abroad.\(^8\)

**C. Inter-American Court of Human Rights**

The General Assembly expressed the appreciation of the OAS for the ever more important work being performed by the Inter-

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6. OAS Doc. AG/RES. 542 (XI-0/81).
7. OAS Doc. AG/RES. 834 (XVI-0/86).
8. There was a typographical mistake in paragraph 3 of the operative part of this resolution. The last part of paragraph 3 of said resolution states: "namely: the Inter-American Convention on the Taking of Evidence Abroad; the Inter-American Convention on Proof of and Information on Foreign Law, and the respective Additional Protocols." It should be noted that there is no additional Protocol to the Convention on Proof of and Information on Foreign Law.
American Court of Human Rights. It urged the member states of the OAS, that have not yet done so, to ratify or accede to the American Convention on Human Rights. The Assembly expressed its hope that all states which are parties to the Convention will recognize the compulsory jurisdiction of the Court.

D. Inter-American Commission on Human Rights

The General Assembly noted with interest the annual report and the recommendations of the Inter-American Commission on Human Rights and it expressed appreciation and congratulations for the Commission’s important work protecting and promoting human rights. The Assembly urged the governments of the member states mentioned in the annual report to adopt the recommendations of the Commission in accordance with their constitutional provisions and domestic laws in order to guarantee faithful observance of human rights. The Assembly expressed its concern over the persistence of serious violations of fundamental human rights and freedoms in several countries of the region, urging those governments to implement the necessary institutional machinery to restore a democratic form of government through free and open elections and secret ballot, since democracy is the best possible guarantee for the full exercise of human rights.

It was also recommended to the governments of the OAS member states that they grant the necessary guarantees and facilities to non-governmental human rights organizations so that they may continue to contribute to the promotion and defense of human rights, and to respect the freedom and integrity of the leaders of such organizations.

E. Inter-American Action on Behalf of Refugees

In the preamble to the Resolution on Inter-American Action on Behalf of Refugees, the General Assembly expressed its concern that the number of refugees in some countries in the Central American area has increased during the current year as a consequence of armed conflicts and internal disorders in their countries of origin. The Assembly emphasized the positive work being car-

9. OAS Doc. AG/RES. 832 (XVI-0/86).
10. OAS Doc. AG/RES. 835 (XVI-0/86).
11. OAS Doc. AG/RES. 838 (XVI-0/86).
ried out by the Office of the United Nations High Commissioner for Refugees and that of governmental and nongovernmental organizations that offer their cooperation in dealing with refugees and their voluntary repatriation.

In the operative part of the resolution, the Assembly reaffirmed its confidence that the countries of the region will continue to provide assistance and ensure international protection for refugees. The Assembly stressed the importance of humanitarian and apolitical concerns in dealing with refugees and their voluntary repatriation. It reiterated the request to the member states to create conditions and mechanisms that will permit the refugee's voluntary repatriation as a definite solution to the problem.

F. Human Rights and Democracy

The Assembly reaffirmed the inalienable right of all the peoples of the Americas to determine their political, economic and social system without outside interference, through a genuine democratic process and within a framework of social justice in which all sectors of the population will enjoy the guarantees necessary to participate freely and effectively through the exercise of universal suffrage. The Assembly also urged the governments of the American countries whose societies have problems calling for reconciliation and national unity, to engage in a genuine dialogue, pursuant to their respective legislation, with all political and social sectors aimed at reaching a political solution that will put an end to conflicts, and improve the human rights situation and strengthen the representative and pluralist democratic system.

G. The International Committee of the Red Cross

The General Assembly reiterated the recognition of the OAS member states of the humanitarian work of the International Committee of the Red Cross in the Americas. The Assembly urged the member states to continue their support of the Committee to facilitate its humanitarian work, and to increase the economic aid and any other assistance that will enable the Committee to fulfill its mission. The Assembly urged the member states to promote a better understanding and a broader knowledge of the international ac-
tivities of the Red Cross, in coordination with the corresponding national Red Cross Societies or Associations.

H. Limitation of Conventional Weapons

The General Assembly reiterated its instructions to the Secretary General of the OAS to carry out consultations with the governments of the member states on the goal set forth in the Protocol of Cartagena de Indias for achieving "an effective limitation of conventional weapons that will make it possible to devote the largest amount of resources to the economic and social development of the member states," 14 and to submit a comprehensive report on the outcome thereof to the General Assembly at its seventeenth regular session.

I. Communication from the Foreign Ministers of the Contadora Group and the Support Group on Peace Negotiations in Central America

The Assembly took note of the Communication of the Foreign Ministers, and recognized the laudable efforts of the Contadora Group and the Support Group to achieve peace in Central America. 15 It reiterated its support for the peace efforts of the Contadora Group and the Support Group and urged all the countries to continue giving them firm backing. It requested both Groups to persevere in their valuable endeavors on behalf of peace in Central America.

J. The Malvinas Islands

The General Assembly reaffirmed its support of Resolutions 40/21 of the UN General Assembly and reiterated its support of Resolutions 37/9, 38/12 and 39/6 of the UN General Assembly, whereby the governments of Argentina and the United Kingdom of Great Britain and Northern Ireland are requested to resume negotiations to find a peaceful solution to the sovereignty dispute over the Malvinas Islands. 16 The Assembly expressed concern over the lack of progress in complying with the aforementioned resolutions,

14. OAS Doc. AG/RES. 819 (XVI-0/86).
15. OAS Doc. AG/RES. 831 (XVI-0/86).
16. OAS Doc. AG/RES. 815 (XVI-0/86).
and urged compliance with them.

**K. Plan for the Integrated Development of the Hemisphere**

The General Assembly instructed the Secretary General of the OAS, in cooperation with the Executive Committees of the Inter-American Economic and Social Council and of the Inter-American Council for Education, Science and Culture, to continue studies on the interrelationship between trade, debt, development financing, and technology in the region. The studies should determine how to efficiently adjust the region's economies according to the changing world economy and indicate which actions would be advisable in each field of study, taking into account the alternatives proposed by the group of experts set up by the Secretary General, and the observations of the governments.

**L. Full and Equal Participation of Women by the Year 2000**

The Assembly instructed the organs, agencies and entities of the inter-American system to adjust their present programs and future programming to accommodate and help implement the Plan of Action of the Inter-American Commission of Women — Full and Equal Participation by the Year 2000 — and to establish adequate mechanisms and procedures for ongoing review and evaluation of the plan in coordination with the Inter-American Commission of Women.

**M. Establishment of the Inter-American Drug Abuse Control Commission (CICAD)**

The General Assembly decided to establish the Inter-American Drug Abuse Control Commission (CICAD) and to approve the Statute for this Commission. According to its Statute, the Commission is a technically autonomous agency of the OAS and it will perform its function within the framework of the Inter-American Program of Action of Rio de Janeiro Against the Illicit Use and Production of Narcotic Drugs and Psychotropic Substances and Traffic Therein.

17. OAS Doc. AG/RES. 828 (XVI-0/86).
18. OAS Doc. AG/RES. 829 (XVI-0/86).
19. OAS Doc. AG/ES. 813 (XVI-0/86).
The Commission shall be composed of eleven member states elected by the General Assembly. Each of the OAS member states elected to the Commission shall appoint a principal representative, and they may appoint an alternate representative and such advisors as they deem appropriate. The member states of the OAS that are not members of the Commission shall have the right to participate in the Commission’s meetings with voice but without vote.

The functions of the Commission shall include the following: 1) to serve as a consultative and advisory body of the OAS on the illicit use and production of and traffic in drugs; 2) to assist the member states, through regional cooperation, in executing actions and adopting measures enunciated in the Program of Action of Rio de Janeiro and, to this end, to make studies and submit proposals directed toward increasing the effectiveness of the fight against the illicit use and production of and traffic in narcotic drugs and psychotropic substances in the region; 3) to comply with the mandates of the General Assembly of the OAS; 4) to consider and approve its preliminary program-budget; 5) to study the reports, plans and annual work program presented to it by the Executive Secretary, and to give assignments to the Executive Secretary that are consistent with the latter’s functions; 6) to present to the OAS General Assembly an annual report and special reports it may deem advisable; 7) to conduct activities for technical cooperation when so requested by one or more member states of the OAS; 8) to establish cooperative relations with other international organizations and with the Permanent Observers of the OAS.

An Appendix to the resolution contains the Inter-American Program of Action of Rio de Janeiro against the Illicit Use and Production of Narcotic Drugs and Psychotropic Substances and Traffic Therein.

N. Declaration of Guatemala: The American Alliance Against Drug Trafficking

The Foreign Ministers and Heads of Delegation, meeting in the framework of the sixteenth regular session of the OAS General Assembly, stated in the Declaration of Guatemala\(^20\) that drug trafficking is a crime of broad international scope that must be combated by all the member states in order to eradicate it completely.

\(^{20}\) OAS Doc. AG/RES. 817 (XVI-0/86).
from the hemisphere, that the Foreign Ministers and Heads of Delegation supported the courageous efforts of those member states affected by drug trafficking and pledged their unreserved cooperation to the fight against trafficking in narcotic drugs, and reaffirmed that commitment in this Declaration on the occasion of launching of the Inter-American Drug Abuse Control Commission (CICAD).

O. The Seventeenth Regular Session of the OAS General Assembly

At its sixteenth regular session (1986), the General Assembly thanked the government of the United States for its generous offer to hold the seventeenth regular session of the General Assembly on the United States mainland in a city other than Washington, D.C., beginning on the second Monday of November 1987.21

P. Program-Budget of the OAS

The General Assembly also dealt with the Program-Budget of the OAS, biennium 1986-87, second year; 1987 quotas and pledges to the voluntary funds.22 According to Table B annexed to Resolution AG/RES. 839 (XVI-0/86), the United States is, and has been, the largest contributor to the OAS Regular Fund: U.S. (66%); Brazil (9.36%); Argentina (7.47%); Mexico (7.02%); Venezuela (3.59%); Colombia (.99%); Chile (.82%); Peru (.54%); Uruguay (.36%). The other twenty-two member states of the OAS have a total contribution of less than three per cent.

III. United Nations

The following is a summary of selected resolutions approved by the United Nations General Assembly during the first part of its forty-first session, held from September 16 to December 19, 1986.23

21. OAS Doc. AG/RES. 827 (XVI-0/86).
22. OAS Doc. AG/RES. 839 (XVI-0/86).
A. International Cooperation in the Peaceful Uses of Outer Space

In Resolution 41/64, the United Nations General Assembly approved measures, actions and recommendations for international cooperation in the peaceful uses of outer space.

The General Assembly endorsed the report of the Committee on the Peaceful Uses of Outer Space, and invited states that have not yet become parties to the international treaties governing the uses of outer space to consider ratifying or acceding to those treaties. The Assembly also noted that the Legal Sub-Committee of the Committee on the Peaceful Uses of Outer Space continued its detailed consideration of the legal implications of remote sensing of the Earth from space; its elaboration of draft principles relevant to the use of nuclear power sources in outer space; and its consideration of matters relating to the definition and delimitation of outer space.

The Assembly endorsed the recommendations of the Committee on the Peaceful Uses of Outer Space that the Legal Sub-Committee should continue: the elaboration of draft principles relevant to the use of nuclear-power sources in outer space; its consideration of matters relating to the definition and delimitation of outer space and to the utilization of the geostationary orbit; the choice of new items for the agenda of the Legal Sub-Committee.

Furthermore, the General Assembly endorsed the recommendation of the Committee on the Peaceful Uses of Outer Space that the Scientific and Technical Sub-Committee should consider the following items on a priority basis: United Nations Program on Space Applications and the coordination of space activities within the United Nations system; implementation of the recommendations of the Second United Nations Conference on the Exploration and Peaceful Uses of Outer Space; questions relating to remote sensing of the Earth by satellites; use of nuclear-power sources in outer space. The Sub-Committee should also consider the following items: questions relating to space transportation systems and their implications for future activities in space; examination of the physical nature and technical attributes of the geostationary orbit; matters relating to life sciences, including space medicine; progress in the geosphere-biosphere (global change) program; matters relating to planetary exploration and to astronomy.

The Assembly considered that it is particularly urgent to im-
implement the following recommendations:

a) all countries should have the opportunity to use the techniques resulting from studies in space;

b) data banks at the national and regional levels should be strengthened and expanded and an international space information service should be established to function as a center of coordination;

c) the United Nations should support the creation of adequate training centers at the regional level, linked, whenever possible, to institutions implementing space programs, necessary funding for the development of such centers should be made available through financial institutions; and

d) the United Nations should organize a fellowship program through which selected graduates from developing countries should get in-depth, long-term exposure to space technology or applications.

The Assembly also emphasized the urgency and importance of implementing fully the recommendations of the Second United Nations Conference on the Exploration and Peaceful Uses of Outer Space as early as possible. It invited all governments to take effective action for the implementation of the recommendations of said Conference.

B. The Convention on Registration of Objects Launched into Outer Space

The General Assembly, through resolution 41/66, recognized that in view of the considerable increase of activities in outer space, effective international rules and procedures concerning the registration of objects launched into outer space continue to be of great importance. It reaffirmed, in this respect, the importance of the Convention on Registration of Objects Launched into Outer Space. The Assembly urged all states that have not yet done so, particularly those conducting space activities, to give urgent consideration to ratifying or acceding to said Convention in order to assure its broad application.
C. Principles Relating to Remote Sensing of the Earth from Outer Space

The General Assembly adopted these principles through Resolution 41/65. This Resolution approved fifteen principles.

Principle I defines certain terms, as for example, "remote sensing" means the sensing of the Earth’s surface from space by making use of the properties of electromagnetic waves emitted, reflected or diffracted by the sensed object, for the purpose of improving natural resources management, land use and the protection of the environment. The term "primary data" means those raw data that are acquired by remote sensors borne by a space object and that are transmitted to the ground from space by telemetry in the form of electromagnetic signals, by photographic film, magnetic tape or any other means. The term "processed data" means the products resulting from the processing of the primary data, needed in order to make such data usable.

According to Principle II, remote-sensing activities shall be carried out for the benefit and in the interest of all countries, irrespective of their degree of economic, social or scientific and technological development, and taking into particular consideration the needs of the developing countries.

It is provided in Principle III that remote-sensing activities shall be conducted in accordance with international law, including the Charter of the United Nations, the Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and other Celestial Bodies, and the relevant instruments of the International Telecommunications Union.

In Principle V it is provided that states carrying out remote-sensing activities should promote international cooperation in these activities, and to this end, they should make available to other states opportunities for participation therein, which should be based in each case on equitable and mutually acceptable terms.

According to Principle VII, states participating in remote-sensing activities should make available technical assistance to other interested states on mutually agreed terms. Principle VIII provides that the United Nations and the relevant agencies within the United Nations system shall promote international cooperation, including technical assistance and coordination in the area of remote sensing.
Principle X stipulates that remote sensing should promote the protection of the Earth's natural environment. To this end, states participating in remote-sensing activities that have identified information in their possession that is capable of averting any phenomenon harmful to the Earth's natural environment should disclose such information to states concerned.

Principle XI provides that remote sensing shall promote the protection of mankind from natural disasters. To this end, states participating in remote-sensing activities that have identified processed data and analyzed information in their possession that may be useful to states affected by natural disasters, shall transmit such data and information to states concerned as promptly as possible.

As established in Principle XII, as soon as the primary data and the processed data concerning the territory under its jurisdiction are produced, the sensed state shall have access to them on a non-discriminatory basis and on reasonable cost terms. The sensed state shall also have access to the available analyzed information concerning the territory under its jurisdiction in the possession of any state participating in remote-sensing activities on the same basis and terms, taking particularly into account the needs and interests of the developing countries.

According to Principle XIII, to promote and intensify international cooperation, especially with regard to the needs of developing countries, a state carrying out remote sensing of the Earth from outer space shall, upon request, enter into consultations with a state whose territory is sensed in order to make available opportunities for participation and enhance the mutual benefits to be derived therefrom.

Principle XV provides that any dispute from the application of these principles shall be resolved through the established procedures for the peaceful settlement of disputes.

D. Law of the Sea

In its resolution 41/34, the General Assembly of the United Nations recalled the historic significance of the United Nations Convention on the Law of the Sea as an important contribution to the maintenance of peace, justice and progress for all peoples of the world. The Assembly also expressed its satisfaction at the increasing and overwhelming support for the Convention, as evi-
denced inter alia, by the one hundred and fifty-nine signatures and thirty-two of the sixty ratifications or accessions required for entry into force of the Convention. It called upon all states that have not done so to consider ratifying or acceding to the Convention at the earliest possible date to allow the effective entry into force of the new legal regime for the uses of the sea and its resources.

The Assembly called upon states to observe the provisions of the Convention when enacting their national legislation. It noted the progress being made by the Preparatory Commission for the International Sea-Bed Authority and for the International Tribunal for the Law of the Sea in all of its work. It also expressed its satisfaction at the important decision of the Preparatory Commission on September 5, 1986 that has created conditions for the early implementation of the regime for pioneer investors, contained in Resolution II of the Third United Nations Conference on the Law of the Sea, thus facilitating the process of registration of applicants for pioneer investor status at the next session of the Preparatory Commission.

The Assembly also approved the program of meetings of the Preparatory Commission for 1987.

E. United Nations Commission on International Trade Law

In its Resolution 41/77, the General Assembly noted the progress made by the Commission at its nineteenth session in the preparation of a draft Convention on International Bills of Exchange and International Promissory Notes, and in this connection, the Assembly took note of the need to minimize the financial costs of adopting the Convention without sacrificing the quality or the international acceptability of the Convention; requested the Commission to complete its work on the draft Convention during its twentieth session. The Assembly decided to consider the draft Convention during its forty-second session (1987), with a view to its adoption or any other action to be taken.

The Assembly called upon the Commission to continue to take account of the relevant provisions of the resolutions concerning the new international economic order, as adopted by the General Assembly at its sixth and seventh special sessions. It welcomed the decision of the Commission to commence work on the subject of international procurement as a matter of priority.
The Assembly noted with satisfaction the completion by the Commission of the Legal Guide on Electronic Funds Transfers. It also reaffirmed the mandate of the Commission to coordinate legal activities in the field of international trade law in order to avoid duplication of effort and to promote efficiency, consistency and coherence in the unification and harmonization of international trade law. Furthermore, it reaffirmed the importance, in particular for developing countries, of the work of the Commission concerned with training and assistance in the field of international trade law and the desirability for it to sponsor symposia and seminars, in particular those organized on a regional basis, to promote such training and assistance. In this connection, the Assembly expressed its appreciation to those regional organizations and institutions that have collaborated with the Secretariat of the Commission in organizing regional seminars and symposia in the field of international trade law.

F. International Law Commission

The UN General Assembly, through Resolution 41/81, expressed its appreciation to the International Law Commission for the work accomplished at its thirty-eighth session. The Assembly recommended that the Commission should continue its work on the topics of its current program.

The Assembly requested the Commission to consider thoroughly: (i) the planning of its activities for the term of office of its members, bearing in mind the desirability of achieving as much progress as possible in the preparation of draft articles on specific topics, and (ii) its methods of work in all their aspects. It urged Governments and, as appropriate, international organizations to respond in writing as fully and expeditiously as possible to the requests of the International Law Commission for comments, observations and replies to questionnaires and for materials on topics in its program of work.

In addition, the Assembly reaffirmed its wish that the International Law Commission continue to enhance its cooperation with

24. The following jurists from the American countries are members of the International Law Commission: Julio Barboza (Argentina); Alan J. Beesly (Canada); Carlos Calero Rodrigues (Brazil); Leonardo Diaz-Gonzalez (Venezuela); Laurel B. Francis (Jamaica); Jorge Illescas (Panama); Stephen C. McCaffrey (United States); Cesar Sepulveda (Mexico); Luis Solani Tuleda (Peru).
intergovernmental legal bodies whose work is of interest for the progressive development of the international law and its codification. It expressed the wish that seminars will continue to be held in conjunction with sessions of the Commission and that an increasing number of participants from developing countries will be given the opportunity to attend those seminars.

G. Peaceful Settlement of Disputes Between States

Through its Resolution 41/74, the General Assembly renewed its appeal to all states to observe and promote in good faith the provisions of the Manila Declaration on the Peaceful Settlement of International Disputes in the settlement of their international disputes, and it stressed the need to continue efforts to strengthen the process of the peaceful settlement of disputes through progressive development and codification of international law and through enhancing the effectiveness of the United Nations in this field.

H. The Situation in Central America: Threats to International Peace, and Security and Peace Initiatives

In its Resolution 41/37, the General Assembly reaffirmed its conviction that the global, comprehensive and negotiated solution of the conflict in Central America requires that all states fully respect the principles of international law enshrined in the Charter of the United Nations. It acknowledged the commendable efforts being made by the Contadora Group and the Support Group with a view to achieving peace in Central America. It reiterated its support for the peace activities of the Contadora Group and the Support Group, and requested them to persevere in their valuable efforts, and urged all States to continue to give them their support.

I. United Nations Regional Center for Peace, Disarmament and Development in Latin America

Through its Resolution 41/60-J, the General Assembly decided to establish, as at January 1, 1987, in accordance with Resolution 39/63 J on the World Disarmament Campaign - the United Nations Regional Center for Peace, Disarmament and Development in Latin America — with headquarters in Lima, on the basis of existing resources and of voluntary contributions that member states and interested organizations may make to that end. It also
decided that the Center should provide, on request, substantive support for the initiative and other activities of the member states of the Latin American region for the implementation of measures for peace and disarmament, and for the promotion of economic and social development through appropriate utilization of available resources, as well as coordinate the implementation of regional activities in Latin America.

J. Declaration on Social and Legal Principles Relating to the Protection and Welfare of Children

Through its Resolution 41/85, the General Assembly adopted the Declaration on Social and Legal Principles relating to Protection and Welfare of Children, with Special Reference to Foster Placement and Adoption Nationally and Internationally.

These principles are proclaimed in 24 articles. The following is a summary of some of these principles.

Every State should give a high priority to family and child welfare. Child welfare depends on good family welfare. The first priority for a child is to be cared for by his or her own parents. In all matters relating to the placement of a child outside the care of the child’s own parents, the best interests of the child, particularly his or her need for affection and right to security and continuing care, should be the paramount consideration.

Persons responsible for foster placement or adoption procedures should have professional or other appropriate training. Governments should determine the adequacy of their national child welfare services and consider appropriate actions. The child should at all times have a name, a nationality and a legal representative. The child should not, as a result of foster placement, adoption or any alternative regime, be deprived of his or her name, nationality or legal representative unless the child thereby acquires a new name, nationality or legal representative.

Foster placement of children should be regulated by law. Foster family care, though temporary in nature, may continue, if necessary, until adulthood but should not preclude either prior return to the child’s own parents or adoption.

The primary aim of adoption is to provide the child who cannot be cared for by his or her own parents with a permanent family. In considering possible adoption placements, persons responsi-
ble for them should select the most appropriate environment for the child.

The relationship between the child to be adopted and the prospective adoptive parents should be observed by child welfare agencies or services prior to the adoption. Legislation should ensure that the child is recognized in law as a member of the adoptive family and enjoys all the rights pertinent thereto.

If a child cannot be placed in a foster or an adoptive family or cannot in any suitable manner be cared for in the country of origin, intercountry adoption may be considered as an alternative means of providing the child with a family.

Governments should establish policy, legislation and effective supervision for the protection of the children involved in intercountry adoption. Intercountry adoption should, whenever possible, only be undertaken when such measures have been established in the States concerned.

Policies should be established and laws enacted, where necessary, for the prohibition of abduction and of any other act for illicit placement of children. In intercountry adoption through persons acting as agents for prospective adoptive parents, special precautions should be taken in order to protect the child's legal and social interest, and the legal validity of the adoption should be assured in each of the countries involved.

K. Participation of Women in Promoting International Peace and Cooperation

In Resolution 41/109, the General Assembly pledged its determination to encourage the full participation of women in the economic, social, cultural, civil and political affairs of society and in the endeavour to promote international peace and cooperation. It appealed to all governments to take the necessary measures for putting into practice the principles and provisions of the Declaration on the Participation of Women in Promoting International Peace and Cooperation, and it invited all Governments to give wide publicity to the Declaration and its implementation.

In Resolution 41/110, the General Assembly recommended that all Governments and intergovernmental and non-governmental organizations should pay due attention in their activities to the role of women in society in all its interrelated aspects — as
mothers, as participants in the economic development process and in public life.

L. Office of the United Nations High Commissioner for Refugees

Through Resolution 41/124, the General Assembly commended the United Nations High Commissioner for Refugees and his staff for the dedicated and efficient manner in which they discharge their responsibilities, and paid tribute to the four staff members who lost their lives in the course of their duties during 1986. The Assembly strongly reaffirmed the fundamental nature of the High Commissioner's function to provide international protection and the need for governments to continue to cooperate fully with his Office in order to facilitate the effective exercise of this function, in particular by acceding to and implementing the relevant international and regional refugee instruments and by scrupulously observing the principles of asylum and non-refoulement.

M. International Campaign Against Traffic in Drugs

The General Assembly, by Resolution 41/127, condemned unequivocally drug trafficking in all its illicit forms - production, processing, marketing and consumption - as a criminal activity, and requested all states to pledge their political will in a concerted and universal struggle to achieve its complete and final elimination. The Assembly also urged the states to acknowledge that they share responsibility for combating the problem of illicit consumption, production and transit and therefore to encourage mutual collaboration in the struggle against drug trafficking, in accordance with the relevant international and national norms. The Assembly called upon all states to adopt appropriate preventive and/or punitive measures of a political, legal, economic and cultural nature so as to bring about social awareness of the pernicious effects of illicit drug use, and individual and collective rejection of all kinds of practices that facilitate such illegal use. It also invited States to use all possible means to discourage practices and domestic and foreign interests that promote the increased illicit production and consumption of drugs.
N. Declaration on the Right to Development

By Resolution 41/128, the General Assembly decided to adopt the Declaration on the Right to Development. This Declaration contains a long preamble and 10 articles.

According to Article 1, the right to development is an inalienable human right by virtue of which every human person and all peoples are entitled to participate in, contribute to and enjoy economic, social, cultural and political development, in which all human rights and fundamental freedoms can be fully realized. The human right to development also implies the full realization of the right of peoples to self-determination, which includes, subject to relevant provisions of both international Covenants on Human Rights, the exercise of their inalienable right to full sovereignty over all their natural wealth and resources.

Article 2 provides that the human person is the central subject of development and should be the active participant and beneficiary of the right to development. All human beings have a responsibility for development, individually and collectively, taking into account the need for full respect of their human rights and fundamental freedoms as well as their duties to the community, which alone can ensure the free and complete fulfillment of the human being. States have the right and the duty to formulate appropriate national development policies that aim at the constant improvement of the well-being of the entire population and of all individuals, on the basis of their active, free and meaningful participation in the development and in the fair distribution of the benefits resulting therefrom.

As established in Articles 3 and 4, states have the primary responsibility for the creation of national and international conditions favorable to the realization of the right to development, and this realization requires full respect for the principles of international law concerning friendly relations and cooperation among states in accordance with the Charter of the United Nations.

In accordance with Articles 6 and 7, all states should cooperate with a view to promoting, encouraging and strengthening universal respect for and observance of all human rights and fundamental freedoms for all without any distinction as to race, sex, language and religion. All human rights and fundamental freedoms are indivisible and interdependent; equal attention and urgent consideration should be given to the implementation, promotion and protec-
tion of civil, political, economic, social and cultural rights. All states should promote the establishment, maintenance and strengthening of international peace and security, and, to that end, should do their utmost to achieve general and complete disarmament under effective international control.

According to Article 10, steps should be taken to ensure the full exercise and progressive enhancement of the right to development, including the formulation, adoption and implementation of policy, legislative and other measures at the national and international levels.

IV. Conventions on Early Notification of and Assistance in a Nuclear Accident or Radiological Emergency

These two conventions were approved at a special session of the General Conference of the International Atomic Energy Agency (IAEA) held in Vienna, Austria, September 24-26, 1986.25

In the Introductory Note prepared for the ILM by Paul S. Szasz it is explained that "pursuant to a decision of the Board of Governors of the International Atomic Energy Agency (IAEA) taken as a consequence of the Chernobyl accident, a group of governmental experts from 62 countries and 10 international organizations met in Vienna from 21 July to 15 August 1986."26 These experts prepared two draft conventions which were considered by the above mentioned special session of the General Conference of IAEA, which finally adopted the two conventions. The following is a summary of some provisions of these two conventions.

A. Convention on Early Notification of a Nuclear Accident

As provided in Article 1, this Convention shall apply in the event of any accident involving facilities or activities of a State Party or of persons or legal entities under its jurisdiction or control, referred to in paragraph 2, from which a release of radioactive material occurs or is likely to occur which has resulted or may result in an international transboundary release that could be of radiological safety significance for another state. According to paragraph 2 of Article 1, the facilities and activities are the following:

25. Texts of these two conventions, 25 I.L.M. 1369-88 (1986).
26. Id. at 1369.
(a) any nuclear reactor wherever located; (b) any nuclear fuel cycle facility; (c) any radioactive waste management facility; (d) the transport and storage of nuclear fuels or radioactive wastes; (e) the manufacture, use, storage, disposal and transport of radioisotopes for agricultural, industrial, medical and related scientific and research purposes; and (f) the use of radioisotopes for power generation in space objects.

As provided in Article 2, in the event of an accident specified in Article 1, the State Party shall: (a) forthwith notify, directly or through the International Atomic Energy Agency (IAEA), those states which are or may be physically affected, of the nuclear accident, its nature, the time of its occurrence and its exact location where appropriate, and (b) promptly provide, directly or through the IAEA, the States Parties which are or may be physically affected, as well as the Agency, with such available information relevant to minimizing the radiological consequences in those states.

Article 3 states that with a view to minimizing the radiological consequences, States Parties may notify in the event of nuclear accidents other than those specified in Article 1.

According to Article 4, the IAEA shall forthwith inform the States Parties, member states of IAEA, other states which are or may be physically affected and relevant international intergovernmental organizations of a notification received pursuant to Article 2, and promptly provide any State Party, member state of IAEA, or relevant international organization, upon request, with the information received pursuant to Article 2.

Other articles of this Convention contain provisions on information to be provided, consultations, competent authorities and points of Contact, assistance to States Parties, bilateral and multilateral arrangements, relationship to other international agreements, settlement of disputes and the usual final clauses.

B. Convention on Assistance in the Case of a Nuclear Accident or Radiological Emergency

This Convention was also adopted by the International Atomic Energy Agency on September 26, 1986. Article 1 provides that the States Parties shall cooperate between themselves and with the International Atomic Energy Agency in accordance with the provisions of this Convention to facilitate prompt assistance in the event of a nuclear accident or radiological emergency to mini-
mize its consequences and to protect life, property and the environment from the effects of radioactive releases. To facilitate such cooperation the States Parties may agree on bilateral or multilateral arrangements or, where appropriate, a combination of these, for preventing or minimizing injury and damage which may result in the event of a nuclear accident or radiological emergency. It is also provided that the IAEA, acting within the framework of its Statute, should use its best endeavors in accordance with the provisions of this Convention to promote, facilitate and support the cooperation between States Parties.

According to Article 2 — on provision of assistance — if a State Party needs assistance in the event of a nuclear accident or radiological emergency — whether or not such accident or emergency originates within its territory, jurisdiction or control — it may call for such assistance from any other State Party directly or through the IAEA, and from IAEA, or where appropriate, from other international intergovernmental organizations. A State Party requesting assistance shall specify the scope and type of assistance required and provide the assisting party with such information as may be necessary for that party to determine the extent to which it is able to meet the request. Each State Party to which a request for such assistance is directed should promptly decide and notify the requesting State Party whether it is in a position to render the assistance requested, and the scope and terms of the assistance that might be rendered.

The direction, control, coordination and supervision of assistance, according to Article 3, shall be the responsibility within its territory of the requesting State.

Other articles of this Convention contain provisions concerning assistance, direction and control of assistance, competent authorization and points of contact, functions of the IAEA, confidentiality and public statements, reimbursement of costs, privileges, immunities and facilities, settlement of disputes, as well as the final clauses.

C. Resolution of the International Atomic Energy Agency (IAEA)

At the same special session held in Vienna, September 24-26, 1986, the General Conference of the IAEA approved a Resolution on some aspects of nuclear energy.
The General Conference recognized that nuclear power will continue to be an important source of energy for social and economic development. It emphasized that the highest level of nuclear safety will continue to be essential to the use of this energy source. It reaffirmed that each country engaged in nuclear energy activities is itself responsible for ensuring the nuclear and radiation safety, physical security and environmental compatibility of its nuclear facilities and activities.  

The Conference also appealed for a strengthening of international cooperation, at both the bilateral and the multilateral level, with regard to nuclear safety, radiological protection, physical security and environmental compatibility. It reaffirmed the central role of the IAEA, under its Statute, in encouraging and facilitating international cooperation in the peaceful uses of nuclear energy, including nuclear safety and radiological protection. Furthermore, the Conference appealed to all states to sign and become party, as promptly as possible, to the two previously mentioned Conventions.

27. Id. at 1387-88.