Regional and International Activities

Isidoro Zanotti
I. SPECIAL MEETING OF THE OAS

Tenth special session of the General Assembly Election of a new Secretary General of the OAS

At its tenth special session held on March 12, 1984 the OAS General Assembly elected by acclamation Ambassador João Clémente Baena Soares, a distinguished Brazilian diplomat, as Secretary General of the OAS. Ambassador Soares will serve for a term of five years in order to fill the vacancy left by Ambassador Alejan-

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dro Orfila, who resigned in November 1983.

II. MEETING OF THE INTER-AMERICAN JURIDICAL COMMITTEE

*Draft Inter-American Convention on Conflict of Laws Concerning the Adoption of Minors*

During its meeting in January 1984, the Inter-American Juridical Committee, which is the principal juridical organ of the OAS, approved a Draft Inter-American Convention on Conflict of Laws concerning the Adoption of Minors. The following is a summary of some of the provisions of this draft; it was prepared for submission to the Third Inter-American Especialized Conference on Private International Law (CIDIP-III).

Article 1 provides that the Convention shall apply when one or two persons domiciled in a State Party to the Convention adopt a minor habitually residing in another State Party. As stated in article 2, a minor is a person so defined by the law of his or her habitual residence.

Articles 3 to 10 refer to the characterization of and requirements for adoption. The adoptive relationship is created in accordance with the law of the adoptee's residence. The law of the habitual residence of the minor shall govern the capacity, the required consent and the other requirements for adoption. The law of the adopter's domicile shall govern: a) the capacity to adopt; b) the requirements of age, and marital status to be met by the adopters; c) the consent of the adopter's spouse, if required. The rights and obligations resulting from the adoption shall be governed by the law applicable to the legal category to which the right or obligation in issue belongs. The forms and solemnities of the acts and procedures by which the adoption is established are governed by the adoption-creating law. The adoption which meets the standards set by the Convention shall be recognized by the States Parties.

Articles 11 and 12 establish rules concerning revocation of adoptions. Articles 13 to 15 contain rules on jurisdiction which provide that the authorities of the State of the adoptee's habitual residence shall be competent to hear adoption revocation cases.

The prospective adopters may attach to their adoption petition those documents from their state of domicile which certify to their physical, moral and economic conditions. Articles 16 to 21
INTERNATIONAL ACTIVITIES

The Inter-American Juridical Committee also approved that the program for the Eleventh Course on International Law is to be held in Rio de Janeiro from July 30 to August 24, 1984. The program is to address several topics including contemporary Public and Private International Law as well as matters concerning the Inter-American System. This annual, high level activity of the Inter-American Juridical Committee is held in collaboration with the OAS General Secretariat. A Selection Committee of the OAS awards approximately thirty fellowships to law professors, diplomats and lawyers from the American countries.

III. SUGGESTION FOR A NEW INTER-AMERICAN TREATY ON PEACEFUL SETTLEMENT OF INTERNATIONAL DISPUTES

The Inter-American Bar Association adopted very important resolutions during its XXIV Conference held in Panama, February 6-10, 1984. More than 300 members of the legal profession from the American countries participated in this Conference. Resolution 1 suggests to the Governments of the said countries that they promote initiatives and take measures through the appropriate organs of the OAS, for the preparation of a new Inter-American Treaty on Peaceful Settlement of International Disputes. The proposed treaty should be provided for in Article 26 of the OAS Charter.

The preamble of this resolution states that the peaceful settlement of international controversies has been one of the basic principles and objectives of International Law. It also notes that the Inter-American System has adopted, throughout its long history, several multilateral treaties on the peaceful settlement of international controversies. The last Inter-American treaty on this matter, the American Treaty on Peaceful Settlement (Pact of Bogotá of 1948), is in force in only 13 countries even though it was adopted 36 years ago and has received several ratification recommendations.

* The Course has constituted an outstanding contribution to the promotion of progress of law in the inter-American context and for the strengthening of cooperative relations among law professors, diplomats and lawyers of the Western Hemisphere. This is a very unique activity, and in many respects it is better organized and more efficient than the Course of the Hague Academy of International Law.
by organs of the OAS.

The preamble of the resolution also states that the Charter of the OAS and other inter-American instruments provide that all international controversies among American countries should be settled through peaceful procedures. Thus, it is both timely and appropriate that a new inter-American treaty on peaceful procedures be adopted which reflects the progress of contemporary International Law as well as present realities.

IV. Third Inter-American Specialized Conference on Private International Law (CIDIP-III)

This Conference was convoked by the General Assembly of the Organization of American States by resolution AG/RES.505 (X-0/80). It will consider the topics that appear on the draft agenda approved by the OAS Permanent Council on November 10, 1982, the draft conventions and other documents prepared by the Inter-American Juridical Committee. The studies, proposals, and draft international instruments which the governments of the OAS member States may present will also be considered.

The Inter-American Juridical Committee has prepared draft conventions and other documents on four topics of the agenda of CIDIP-III. The Conference is scheduled to be held in 1984. Following is a list of the works prepared by the Juridical Committee for CIDIP-III:

1. Draft Additional Protocol to the Inter-American Convention on the Taking of Evidence Abroad, approved on August 21, 1980; opinion, dated August 28, 1980, on the preliminary draft Additional Protocol on the same subject which had been approved by the First Meeting of Experts on Private International Law, April 1980.
4. Draft Inter-American Convention on Conflict of Laws concerning the Adoption of Minors, and a statement of reasons, approved on January 25 and 26, 1984, respectively.
V. PROTECTION OF THE ENVIRONMENT

Acid Rain Research - United States - Canada

On August 23, 1983, a Memorandum of Understanding\(^1\) was signed by the United States and Canada to track air pollution across Eastern North America (Acid Rain Research). The Parties to this Memorandum of Understanding are the U.S. Department of Energy (DOE), the U.S. National Oceanic and Atmospheric Administration (NOAA), the U.S. Environmental Protection Agency (EPA), and the Atmospheric Environment Service of Canada (AES).

The objective of this Memorandum of Understanding is to provide the framework for cooperation in the design and conduct of a series of joint United States - Canada meteorological experiments to verify theoretical computer codes. These codes were developed to establish the meteorological aspects of the long-range transport of airborne pollutants. This experiment is to be called "Cross Appalachian Tracer Experiment" (CAPTEX). This Memorandum of Understanding will remain in effect until September 30, 1984.

The Memorandum of Understanding provides that each Party would designate a Coordinator to serve as a point of contact for the planning and conduct of the experiments. The parties established that the term "information" includes scientific or technical data, results, or methods of research and development, and any other information intended to be provided or exchanged under the Memorandum of Understanding. They also established that each Party would make available to the other Parties information in the field of meteorology which they have the right to disclose. Information arising under the Memorandum of Understanding is to be exchanged promptly between the Parties, after verification of data through the normal quality control procedures.

No proprietary information would be provided or exchanged or would arise under the Memorandum of Understanding. Inventions or discoveries made or conceived during or under said Memorandum should be identified and reported promptly by the inventing Party. Such inventions or discoveries would be owned by the inventing Party. All activities under this Memorandum are

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subject to the laws and regulations under which each Party operates and all questions are to be settled by mutual agreement of the Parties.

Environmental Problems in the Border Area: United States - Mexico

On August 14, 1983, the United States and Mexico signed an agreement to cooperate in the protection and improvement of the environment in the border area. This agreement provides that its objectives are to establish a basis for cooperation between the Parties for the protection, improvement and conservation of the environment, to agree on the necessary measures to prevent and control pollution in the border area, and to provide the framework for the development of a system of notification in emergency situations.

The Parties are to undertake, to the fullest extent practical, the adoption of appropriate measures to prevent, reduce and eliminate sources of pollution which affect the border area of the other. They shall cooperate in the solution of the environmental problems of mutual concern. They also agree to coordinate their efforts, in conformity with their own national legislation and existing bilateral agreements, to address problems of air, land and water pollution in the border area. For the purposes of the Agreement, it shall be understood that "border area" refers to the area situated 100 kilometers on either side of the inland and maritime boundaries between the Parties.

In the implementation of the Agreement, the Parties shall consider and pursue, in a coordinated manner, practical, legal, institutional and technical measures for protecting the quality of the environment in the border area. The forms of cooperation may include: coordination of national programs; exchange of scientific and educational information; monitoring and impact assessment of the environment; periodic exchanges of information and data on likely sources of pollution which may produce environmental polluting incidents.

Each State Party is to designate a national coordinator whose principal functions will be to coordinate and monitor implementation of this Agreement, make recommendations to the Parties and

2. Id. at 1025.
organize annual meetings as well as meetings of experts. The Parties will hold at least an annual high level meeting to review the manner in which the Agreement is being implemented. The meetings shall take place alternatively in the border area of Mexico and the United States. The meetings of experts may be convoked in order to coordinate their national programs and review technical subjects. The experts' opinions shall be communicated to the national coordinators and will serve to advise the Parties on technical matters.

The Environmental Protection Agency shall serve as coordinator for the United States. Mexico's coordinator shall be the Secretaría de Desarrollo Urbano y Ecología (Secretariat for Urban Development and Environment). In reference to the subjects which are to be examined jointly, the coordinators may invite, as appropriate, representatives of federal, state and municipal governments to participate in these meetings. By mutual agreement, they may also invite representatives of international governmental or nongovernmental organizations who may be able to contribute some element of expertise on problems needing solution.

Each Party shall be responsible to inform its border states and to consult with them, in accordance with their respective constitutional systems, about matters covered by the Agreement. Unless otherwise agreed, each Party shall bear the cost of its participation in the implementation of this Agreement, including the expenses of personnel who participate in any activity undertaken on its behalf. The Parties shall facilitate the entry of equipment and personnel related to the Agreement, subject to the laws and regulations of the receiving country.

It is also provided that nothing in the Agreement shall be construed to prejudice other existing or future agreements between the two Parties. Activities under the Agreement shall be subject to the availability of funds and other resources and to the applicable laws and regulations in each country. The Agreement is to become effective upon the exchange of Notes which certify that each Party has completed its necessary internal procedures.
VI. CENTRAL AMERICAN PROBLEMS

Report of the U.S. National Bipartisan Commission on Central America

The President of the United States appointed a National Bipartisan Commission on Central America (hereinafter Commission) on July 19, 1983. The Commission’s task was to study the various interests of the United States in the Central American region and the threats posed to those interests. The Commission’s findings were to serve as a basis for the development of a long-term U.S. policy which would be responsive to the challenges of social, economic and democratic development in the region. This policy should also address the factors which contribute to the internal and external threats against the security and stability of the region.

The Commission was composed of twelve members and eleven senior counselors. Dr. Henry A. Kissinger served as its President and presented its report to the President of the United States on January 10, 1984. Following is a summary of some aspects of this Report.

The report contains 132 pages and is divided into 8 Chapters. The chapters are entitled: 1-Introduction; 2-A Hemisphere in transformation; 3-Crisis in Central America: an historical overview; 4-Toward democracy and economic prosperity; 5-Human development; 6-Central American security issues; 7-The Search for peace; 8-Conclusion. Notes by individual members of the Commission follow the conclusion.

The Commission analyzed various problems in Central America and issued recommendations with respect to the findings. The introduction of the report states:

‘[t]he more we learned, the more convinced we became the crisis there is real, and acute; that the United States must act to meet it, and act boldly; that the stakes are large, for the United States, for the Hemisphere and most poignantly, for the people of Central America.’ It is also noted that ‘Central America is our neighbor. Because of this, it critically involves our own security interests. But more than that, what happens on our doorstep calls to our conscience. History, contiguity, consanguinity - all

these tie us to the rest of the Western Hemisphere; all these tie us very particularly to the nations of Central America."

The section entitled "Modernization and poverty: the economic background of the crisis", in Chapter 3, concludes that the economic development of the post-war period, modernization, rising expectations, persisting poverty, and ultimately, the economic shock of the late 1970's, helped set the stage for the present crisis in Central America. It is further noted that the period between the coming of World War II and the early 1970's was one of sustained growth; war and post-war boom in the developed world revived the international markets for Central America's commodity exports. Thus, by the middle of this century, many Central Americans had realized that some form of common action by the five countries might help to overcome the obstacles of modernization and development.  

The report recalls that the idea of union had never quite died in Central America. In 1960, the General Treaty for Central American Integration was signed by the five countries thereby establishing the Central American Common Market. The Common Market inspired a surge of energy and optimism throughout the region. New regional institutions such as the Central American Economic Council and the Central American Bank for Economic Integration were created. 

Furthermore, the Report notes that the Central American Common Market, with the resources provided under the Alliance for Progress, made a substantial contribution to a "sustained dynamism" in the region's economy in the 1960's. This contribution was described by the Economic Commission for Latin America (ECLA) to which the Report makes reference. Favorable and stable international prices for Central America's export commodities also contributed to this growth.

Post war growth brought a sharp increase in urbanization. Capital cities doubled their share of the total population. New highways and port facilities were built. Telephone and electric systems were expanded. More people got access to radio and television. Advances were made in health and education. . . . Although some benefited from social change in economic growth in

4. Id. at 1-2.
5. Id. at 22.
6. Id. at 23.
those decades, many others benefited little or not at all. In ECLS's judgment—and the other experts the Commission consulted on this point, were in virtually unanimous agreement—the fruits of the long period of economic expansion were distributed in a flagrantly inequitable manner. . . . The economic progress of the 60's and 70's did not resolve the region's underlying social problems" and the . . . "international economic crisis that developed in the late 1970's worsened the situation dramatically. World inflation, including the second steep jump in international petroleum prices in the decade, hit the five countries hard. . . . At the same time, the escalation in international interest rates drove up the annual cost of servicing external debt.  

Chapter 3 also contains an analysis of the growth of communist insurgency in the area and a summary of the present crisis in Central America.

By the late 1970's, the increasingly dangerous configuration of historic poverty, social injustice, frustrated expectations, and closed political systems was suddenly exacerbated by world economic recession and by intensified foreign communist insurgency. And just as the economic collapse and political impasse offered an opportunity for the insurgents, the insurgency aggravated the economic and political crisis by spreading violence and fear. To varying degrees, but with many common elements, this crisis is reflected in the situation of each of the five Central American nations.  

In Chapter 4, reference is made to the causes of the recent decline of the economies of the five countries in the region. Factors contributing to this decline include high oil prices, world inflation, prolonged world recession, low demand and prices for commodity exports, intra-regional tensions, political unrest and excessive foreign debt. Other sections in this chapter refer to the nature of the U.S. support, expanded trade opportunities, improved investment conditions and accelerated agricultural development.

**Efforts to Address the Crisis**

Chapter 4 further notes that the Central American countries, the United States, and other countries, are already making sub-

7. Id. at 23-24.
8. Id. at 25, 27.
9. Id. at 43.
substantial efforts in order to prevent an even more serious deterioration in living conditions. However,

Central Americans - as they must - are bearing the largest part of the burden. . . . Economic stabilization programs are now being implemented in almost all these countries, while further ambitious budget, monetary, pricing and institutional reforms are being considered. In addition, governments are beginning to provide incentives to encourage investment as well as extra-regional trade. Volunteer groups, especially religious and lay organizations, are providing valuable social welfare services which governments are unable to finance because of budgetary constraints.10

It is also mentioned that other countries are contributing to Central America's economic recuperation. Mexico and Venezuela, for example, have established a major facility to provide oil on concessional terms. The United States has also influenced the region: by its own economic recovery, which should eventually be reflected in greater demand and better prices for Central American exports; by the Caribbean Basin Initiative (CBI), which opens up favorable prospects for new Central American trade; by its bilateral economic assistance programs; by its contribution to multilateral agencies, including the Inter-American Development Bank; by its support of the international coffee agreement; by the initiative of thousands of U.S. citizens in volunteer organizations working to help improve living conditions in the region.11

Emergency Stabilization Program

The Commission urged the immediate adoption of an emergency stabilization program combining public and private efforts to halt the deterioration throughout the region. The program recommended by the Commission involves eight key elements:

1. The meeting of the leaders of the United States and the Central American countries to initiate a comprehensive approach for the economic development of the region and the reinvigoration of the Central American Common Market;
2. The adoption of a plan which encourages the greatest possible involvement of the private sector in the stabilization effort;
3. The active involvement of the United States in addressing the

10. Id. at 45.
11. Id. at 45-46.
region's external debt problem;
4. The immediate increase in bilateral economic assistance by the United States;
5. The channeling of this expanded aid into the creation of a labor infrastructure and the development of housing projects;
6. The creation of new trade credit guarantees to be made available to the Central American countries;
7. The establishment of emergency credit to the Central American Common Market by the United States;
8. The membership of the United States in the Central American Bank for Economic Integration.

The Commission pointed out that the measures outlined in these eight points have the main objective of short-term stabilization.

The political, social and economic development goals must be addressed simultaneously. The Commission defined the medium-term objectives which are compatible with the interests of the United States to be the elimination of the climate of violence and civil strife, development of democratic institutions and processes, development of strong and free economies with diversified production for both external and domestic markets, improvement in the social conditions of the poorest Central Americans and improvement in the distribution of income and wealth.¹²

**Organization for Development**

The Commission stated:

The proposals we put forward . . . are not a final blueprint for economic and social development. The Commission is acutely aware of its own limitations. We cannot provide what is most vitally needed: a positive Central American vision of the future, and a process for translating that vision into reality. This can only be done by engaging the initiative, the energy and the dedication of the Central Americans themselves, in cooperation with their allies, in a forum capable of addressing the development of the region in all its dimensions, on a continuing basis.¹³

The Commission received many suggestions regarding the structuring of its recommendations into a workable form. It acknowledged that another institution in competition with AID, the

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¹² Id. at 47, 50.
¹³ Id. at 47-50.
Inter-American Development Bank or the International Monetary Fund would not be beneficial. Rather, the proposal should be for the establishment of a structure which would do what no existing national or international body now does: provide a continuous and coherent approach to the development of the region, a process of review of that development, and access to that process by those who have not before been an integral part of it.14

In reference to this proposed structure, the Commission stated that they had “developed the outline of a structure . . . called the Central American Development Organization or CADO.” CADO is not the only feasible design but is a “means of illustrating how the concept could be implemented.” Thus, membership in CADO would initially be open to the seven countries comprising Central America: Belize, Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua, Panama and also to the United States. Associate member status would be available to any democracy willing to contribute significant resources to promote regional development. The Commission expressed the hope that other countries of the Contadora Group as well as Europe, Canada and Japan would become active participants.

The Commission recommended the establishment of an economic reconstruction fund within CADO through which the United States could channel one-quarter of its economic assistance. One model which the Commission noted as a basis for its creation of CADO was the Inter-American Committee for the Alliance for Progress (CIAP-Comite Interamericano de la Alianza para el Progreso).15

**Human Development**

Chapter 5 of the Commission’s Report contains comments and recommendations concerning human development. The Commission believes that the following are ambitious yet realistic objectives for the 1980’s: reduction of malnutrition; elimination of illiteracy; universal access to primary education; universal access to primary health care; significant reduction of infant mortality; sustained reduction in population growth rates; significant improve-

14. *Id.*
15. *Id.* at 61.
The Commission recommended: increase by the United States of food aid on an emergency basis; expansion by the Peace Corps of its recruitment of front line teachers to serve in a new Literacy Corps; expansion of Peace Corps activities at the primary, secondary and technical levels in part by establishing a Central American Teacher Corps, recruited from the Spanish-speaking population of the United States; expansion of the program of secondary level technical and vocational education; expansion of the International Executive Service Corps; establishment of a program of 10,000 government-sponsored scholarships to bring Central American students to the United States.16

According to the Report, the United States should provide 5,000 four to six year university scholarships, and 5,000 two to four year vocational-technical scholarships. The Commission indicated that such a program should involve the following elements, among others: encourage participation by young people from all social and economic classes; encourage graduates to return to their home countries after completing their education; encourage Central American countries to bear some of the cost of the program; provide at least 100 to 200 of these scholarships to mid-career public service officials and 100 for University faculty exchanges. The Commission recommended that the United States, in close partnership with Central American governments and universities, develop a long-term plan to strengthen the major universities in Central America.17

**Strengthening of the Central American Judicial System**

The Commission stated that the legal institutions in Central America could benefit substantially from United States’ assistance. National efforts to strengthen these institutions and to advance the rule of law, in particular by improving training of judges, would be benefitted by support from the United States.

The Commission recommended the use of United States economic assistance to: enhance the training and resources of judges, judicial staff, and the public prosecutors’ offices; support modern and professional means of criminal investigation; promote availa-
bility of legal materials and assistance to law faculties; support local bar associations. It also recommended that recent United States efforts to begin a program of support for legal institutions be formalized, expanded and funded. 18

Other Matters

Other sections of the Report contain analysis and recommendations concerning health problems of Central American countries. They also address housing problems and humanitarian relief.

Central American Security Issues

Chapter 6 of the Report deals with the following issues: the path of insurgency, external intervention, the totalitarian outcome, the Cuban-Soviet connection, strategic implications for the United States, the situation in El Salvador and the insurgency in Guatemala. Other regional security problems are noted.

The Search for Peace

The search for peace is analyzed in Chapter 7 of the Report. This chapter is also concerned with the framework for regional security, Cuba and the Soviet Union, the Contadora Group and Western Europe.

Conclusion

The Conclusion of the Report is contained in chapter 8. Following is the text of the three last paragraphs of the Conclusion:

Our response to the present crisis in Central America must not be a passing phenomenon. The United States was born of a vision, which has inspired the world for two centuries. That vision shines most brightly when it is shared. Just as we want freedom for ourselves, we want freedom for others. Just as we cherish our vision, we should encourage others to pursue their own. But in fact, what we want for ourselves is very largely what the people of Central America want for themselves. They do share the vision of the future that our ideals represent, and the time has come for us to help them not just to aspire to that vision, but to

18. Id. at 74.
participate in it.

Our task now, as a nation, is to transform the crisis in Central America into an opportunity: to seize the impetus it provides, and to use this to help our neighbors not only to secure their freedom from aggression and violence, but also to set in place the policies, processes and institutions that will make them both prosperous and free. If, together, we succeed in this, then the sponsors of violence will have done the opposite of what they intended: they will have roused us not only to turn back the tide of totalitarianism but to bring a new birth of hope and of opportunity to the people of Central America.

Because this is our opportunity, in conscience it is also our responsibility.19

VII. United Nations

General Assembly

The General Assembly of the United Nations held its thirty-eighth session from September 20 to December 20, 1983. It adopted several resolutions relating to matters considered directly by the General Assembly, and matters concerning disarmament (Special Political Committee), resolutions relating to economic, financial, social, humanitarian, decolonization matters (Second, Third and Fourth Committees), as well as resolutions concerning administrative, budgetary and legal matters (Fifth and Sixth Committees).20 Following is a summary of a few of the resolutions adopted.

International Cooperation in the Peaceful Uses of Outer Space

By its resolution 38/80 the General Assembly endorsed the twenty-sixth session report of the Committee on the Peaceful Uses of Outer Space. States that have not yet become parties to the international treaties governing the use of outer space are invited to give consideration to ratifying or acceding to those treaties.

Furthermore, the Assembly decided that the Legal Sub-Committee of said Committee should: a) continue, on a priority basis, its detailed consideration of the legal implications of remote sens-
ing of the earth from space, with the aim of formulating draft principles relating to remote sensing; b) continue its consideration of the possibility of supplementing the norms of international law, relevant to the use of nuclear power sources in outer space, through its working group; c) establish a working group to consider, on a priority basis, matters relating to the definition and delimitation of outer space and to the character and utilization of the geostationary orbit. This would include the elaboration of general principles to govern the rational and equitable use of the geostationary orbit, which is a limited natural resource. Member States may submit draft principles on this topic.

In addition, the Assembly endorsed the recommendation of the Committee on the Peaceful Uses of Outer Space that its Scientific and Technical Sub-Committee should consider the following items on a priority basis: a) UN Program on Space Applications and the coordination of space activities within the UN system; b) implementation of the recommendations of the Second UN Conference on the Exploration and Peaceful Uses of Outer Space; c) questions relating to remote sensing of the earth by satellites; d) use of nuclear power sources in outer space; e) questions relating to space transportation system and their implications for future activities in space; f) examination of the physical nature and technical attributes of the geostationary orbit.

The Assembly also endorsed the recommendation of the Committee on the Peaceful Uses of Outer Space that the following three studies be carried out on a priority basis: a) the providing of assistance to countries in studying their remote-sensing needs and assessing appropriate systems for meeting such needs (UN Environment Program, UN Development Program, and FAO); b) the feasibility of using direct broadcasting satellites for educational purposes and of internationally or regionally owned space segments (UNESCO and International Telecommunications Union); c) the feasibility of obtaining closer spacing of satellites in the geostationary orbit and their satisfactory coexistence (United Nations, International Telecommunication Union and other organizations).

Peaceful settlement of disputes between States

In its Resolution 38/131, the U.N. General Assembly urged all States to observe and promote, in good faith, the provisions of the Manila Declaration on the Peaceful Settlement of International
Disputes. This Declaration was adopted by the General Assembly in its resolution 37/10. The Assembly stressed the need to continue efforts to strengthen the process of the peaceful settlement of disputes through progressive development and codification of international law as well as through the effective use of the United Nations.

*Protection, security and safety of diplomatic and consular missions and representatives*

By resolution 38/136, the UN General Assembly strongly condemned acts of violence against diplomatic and consular missions and representatives. It also condemned acts against missions and representatives to international intergovernmental organizations and officials of such organizations. It urged States to observe and to implement the principles and rules of international law governing diplomatic and consular relations. The Assembly requested all States to report to the UN Secretary General serious violations of the protection, security and safety of diplomatic and consular missions and representatives.

*Draft Declaration on Social and Legal Principles relating to the Protection of Children*

The General Assembly, through resolution 38/142, requested the Secretary General to invite Member States of the UN to comment on the most appropriate procedure for completing work on the draft Declaration on Social and Legal Principles relating to the Protection and Welfare of Children. Special reference to Foster Placement and Adoption Nationally and Internationally and the forum for future discussion is to be included.

*Measures to prevent international terrorism*

In its resolution 38/130, the General Assembly deeply deplored the loss of innocent human lives and the pernicious impact of acts of international terrorism on friendly relations among States as well as on international cooperation. It urged all States to contribute to the progressive elimination of the causes underlying international terrorism. It also invited all States to take appropriate measures at the national level with a view toward the speedy and final elimination of the problem of international terrorism. One such
method could be the harmonization of domestic legislation with international conventions. The Assembly called upon all States to fulfill their obligations under international law to refrain from organizing, instigating, assisting or participating in acts of civil strife or terrorist acts in another State. It also appealed to all States that have not yet done so, to consider becoming parties to the existing international conventions relating to various aspects of the problem of international terrorism.

**UNCITRAL**

In its resolution 38/134, the General Assembly commended the United Nations Commission on International Trade Law (UNCITRAL) for the progress made in its work. It called upon UNCITRAL, in particular its Working Group on the New International Economic Order, to continue to take account of the relevant provisions of the resolutions concerning the new international economic order. These resolutions were adopted by the UN General Assembly at its sixth and seventh special sessions. The Assembly reaffirmed the mandate of UNCITRAL as the core legal body within the United Nations system in the field of international trade law. Thus, its function is to coordinate legal activities in this field in order to avoid duplication of efforts and to promote efficiency.

The Assembly also reaffirmed the importance of bringing into effect the conventions emanating from the work of UNCITRAL for the global unification and harmonization of international trade law. It reaffirmed the significance of the work of UNCITRAL concerned with the training and assistance in the field of international trade law.

**UN Conference on the Law of Treaties between States and International Organizations**

By its resolution 38/139, the General Assembly decided that the appropriate forum for the final consideration of the draft articles on the law of treaties between States and international organizations, or between international organizations, shall be a Conference of plenipotentiaries. This Conference is to be convened not earlier than 1985. It also agreed that at its thirty-ninth session, 1984, the General Assembly will decide upon the question of the date and place for convening the UN Conference on the Law of Treaties between States and International Organizations or be-
tween International Organizations. The Assembly invited States and principal international organizations that have not already done so, to submit their written comments and other observations on this topic's final draft articles.

*Cooperation in the international struggle against illegal production of drugs, illicit drug traffic and drug abuse*

The General Assembly, by resolution 38/92, called upon Member States of the UN that have not already done so, to ratify the international drug control treaties. Until such time, the States should endeavor to abide by the provisions thereof. It invited Member States to make generous contributions to the United Nations Fund for Drug Abuse Control. Thus, the Fund could further improve and strengthen its activities aimed at reducing the illicit supply of, traffic in and demand for narcotic drugs.

The Assembly also urged organizations and programs of the United Nations system, the specialized agencies and, other international organizations concerned with assistance to developing countries, to initiate and continue as a matter of priority, activities to help developing countries take the necessary steps to stop the illegal cultivation, production of and trafficking in drugs. This is to be done in consultation with and by incorporation of the experience of the Fund. The Assembly invited international financing institutions to consider giving financial support to activities in producing countries with a view toward stopping the cultivation and production of illegal drugs. It also called upon Member States to encourage regional financing institutions to support such projects.

*Food Problems*

In its resolution 38/158, the General Assembly dealt with several aspects of the food problem. It recognized the need for keeping food and agriculture issues at the center of the global agenda. It also emphasized the need to adopt, according to priorities identified in the field of food and agriculture, comprehensive national and international measures. These measures should be formulated with a view toward realizing the aims and objectives of the International Development Strategy for the Third United Nations Development Decade in the promotion of food and agricultural development in the developing countries.
The Assembly reaffirmed that the right to food is a universal human right and that food should not be used as an instrument of political pressure. It called upon the relevant entities of the United Nations to accord priority support to economic and technical cooperation among developing countries in food and agriculture. It emphasized the importance of research and exchange of information on scientific research and technological progress for the purposes of the development of food production. It also called upon the international community to accord continuing and increasing support towards: improving global food security, eliminating hunger and malnutrition, and improving international cooperation by countries exporting and importing cereals relating to their food trade, production and stocking policies, in order to avoid instability in the international cereal market which adversely affects developing countries.

In addition, the Assembly called upon the international community to support, through the mobilization of financial and other resources, the efforts of developing countries to strengthen their stocking programs in cases where those countries have expressed the need to build food reserves. The Assembly supported the appeal launched by FAO in favor of the African countries threatened by food shortages. It urged the international community to respond generously to that appeal, in particular, by increasing on an emergency basis, assistance in food aid and agricultural inputs. The Assembly called upon the Governments concerned, to implement agrarian reform and rural development within the framework of their national plans and objectives.

The Assembly supported the establishment of regional mechanisms to reduce food vulnerability, malnutrition and under-nutrition. It welcomed the recent establishment of the Action Committee for Regional Food Security. The Assembly also stressed the importance of fisheries development for expansion of food supplies and nutritional improvement.

*Environmental Perspective to the year 2000 and beyond*

By resolution 38/161, the General Assembly recalled the importance it has attached at previous sessions to the development of the Environmental Perspective to the year 2000 and beyond. It welcomed the desire of the Governing Council of the United Nations Environment Program to develop through a special commis-
sion the Environmental Perspective and transmit it to the General Assembly for adoption. The Assembly welcomed the intention of a number of governments to support the preparation of the Environment Perspective by facilitating the establishment of a special commission, through the provision of voluntary contributions for its financing.

The Assembly also suggested that the special commission, when established, should focus mainly on the following terms of reference for its work: a) to propose long-term environmental strategies for achieving sustainable development to the year 2000 and beyond; b) to recommend ways in which concern for the environment may be translated into greater cooperation among developing countries and between countries of different stages of economic and social development; c) to consider ways and means by which the international community can deal more effectively with environmental concerns; d) to help to define perceptions of long-term environmental issues and of the appropriate efforts needed to deal successfully with the problem of protecting and enhancing the environment; e) to develop a long-term agenda for action during the coming decades.

Furthermore, the Assembly suggested that, in fulfilling its terms of reference, the special commission should: a) maintain an exchange of views with the scientific community, environmentalists and all other sections of public opinion; b) receive the views of Governments; c) maintain links with intergovernmental bodies within and outside the United Nations; d) take account of the scope of the environmental issues as defined by the United Nations system-wide medium-term environment program; e) make full use of relevant existing reports and material.

Immediate measures in favor of the developing countries

By resolution 38/200, the General Assembly expressed its concern about the present world economic climate of crisis and its negative impact on the developing countries. It reiterated in that context the need for the adoption of concrete immediate measures in areas of critical importance to the developing countries. The Assembly also agreed that concrete immediate measures in favor of the developing countries should be taken in order to contribute to the easing of current economic problems, to promote the accelerated growth and development of the developing countries on a sus-
tained basis and to promote the reactivation of the world economy.

In addition, the Assembly agreed that immediate measures within the organs, organizations and bodies of the United Nations system should include, inter alia, progress in the following areas:

a) Food and agriculture, including special food aid measures as required for seriously affected food-deficit countries in Africa;

b) Money and finance, transfer of resources, including official development assistance, indebtedness and multilateral development activities;

c) Trade and raw materials, including access to markets for the export of developing countries, and urgent appropriate actions in the area of commodities;

d) Development of the energy resources of the developing countries;

e) Implementation of the Substantial New Program of Action for the 1980s for the Least Developed Countries.

VIII. COUNCIL OF EUROPE

European Convention on the Compensation of Victims of Violent Crimes

This Convention was opened for signature by member States of the Council of Europe on November 24, 1983.21 The preamble of this Convention states that for reasons of equity and social solidarity, it is necessary to deal with the situation of victims of intentional crimes of violence who have suffered bodily injury or impairment of health. Dependants or persons who have died as a result of such crimes should also be addressed. It is necessary to establish minimum provisions in this field.

The Convention provides that, when compensation is not fully available from other sources, the State shall contribute to compensate: a) those who have sustained bodily injury or impairment of health directly attributable to an intentional crime of violence; b) the dependants of persons who have died as a result of such crime. Compensation shall be awarded in these cases even if the offender cannot be prosecuted or punished. Compensation shall be paid by the State on whose territory the crime was committed: a) to na-

tionals of the States Parties to the Convention; b) to nationals of all member States of the Council of Europe who are permanent residents in the State on whose territory the crime was committed.

It is also provided that compensation shall cover, according to the case under consideration, at least the following items: loss of earnings, medical and hospitalization expenses and funeral expenses. In reference to dependants, loss of maintenance shall also be paid. The compensation scheme may specify a period within which any application for compensation must be made. The compensation, however, may be reduced or refused on account of the applicant's financial situation. Compensation may also be reduced or refused on account of the victim's or the applicant's conduct before, during or after the crime, or in relation to the injury or death. It may also be reduced or refused on account of the victim's or the applicant's involvement in organized crime or his membership in an organization which engages in crimes of violence. The European Committee on Crime Problems of the Council of Europe is to be kept informed regarding the application of this Convention.