Regional and International Activities

I. Zanotti

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

Recommended Citation
I. Zanotti, Regional and International Activities, 7 U. Miami Inter-Am. L. Rev. 385 (1975)
Available at: http://repository.law.miami.edu/umialr/vol7/iss2/8
On February 12, 1975 the Preparatory Committee of the General Assembly of the Organization of American States approved the draft agenda of the fifth regular session of the Assembly which was scheduled to begin April 16, but which was postponed to May 8, 1975.

The draft agenda contains thirty-four topics divided into five chapters dealing with the following matters: General, juridical and political, economic and social, educational, scientific and cultural, as well as administrative and budgetary.

Topic 2 is entitled "Consideration of the final report of the Special Committee to Study the Inter-American System and to Propose Measures for Restructuring it" (CEESI). This Committee was created by the General Assembly in April, 1973, and held five sessions from June, 1973, to February, 1975. Now the Assembly will consider its final report. Topics 3 to 5 and 7 to 9 deal with annual reports of organs, agencies and entities of the OAS. Topic 12 is entitled "Election of the Secretary General and the Assistant Secretary General". The terms of office of these two officials will end July 7, 1975. At its meeting in May, the Assembly will elect two persons to replace them; re-election is not permitted.

Under topic 23 the Assembly will deal with the U.S. Foreign Trade Act of 1974. There are six topics on juridical and political matters, including the following: Study of a draft instrument to define violations
of the principle of non intervention; consideration of the draft convention on extradition; report on the procedure for handling the draft conventions and other studies prepared by the Inter-American Juridical Committee; consideration of the annual report of the Inter-American Commission on Human Rights.

**INTER-AMERICAN SPECIALIZED CONFERENCE**

**ON PRIVATE INTERNATIONAL LAW (CIDIP)**

**GENERAL**

This important Conference was held in Panama City, Republic of Panama, from January 14 to 30, 1975, under the auspices of the OAS and with the cooperation of the Government of that country. The Conference had been convoked by resolution AC/RES. 48 (I-O/71) adopted by the OAS General Assembly on April 23, 1971.

The head of the Delegation of Panama, Dr. Juan Materno Viáquez, was elected President of the Conference by acclamation. The Rules of Procedure of the Conference were prepared by the Permanent Council of the OAS and were adopted by the Conference.

All the Member States of the OAS were represented at the Conference with the exception of Barbados, Bolivia and Haiti.

The General Secretariat of the OAS was represented by Dr. Rafael Urquia, the Assistant Secretary General. The technical advisory services were provided by the following officials of the Department of Legal Affairs of the OAS General Secretariat: Dr. F. V. García Amador, Director; Dr. Isidoro Zanotti, Chief of the Division of Codification and Legal Integration; and Dr. Jorge Luis Zelaya Coronado, Senior Legal Adviser.

The representative of the Inter-American Juridical Committee was Dr. José Joaquin Caicedo Castilla, member of the Committee. Canada, France, Israel, Italy, Spain, the Federal Republic of Germany, which have the status of Permanent Observers at the OAS, were also represented. Several organizations sent observers, as for example the Latin American Free Trade Association, the Institute for Latin American Integration (INTAL), the Hague Conference on Private International Law, UNIDROIT the Inter-American Bar Association; the Inter-American Academy of International and Comparative Law; and the Inter-American Commercial Arbitration Commission.
The Conference had before it, among other documents, a set of eight draft conventions on eight of the eleven topics of the Conference. These draft conventions had been prepared by the Inter-American Juridical Committee, the principal juridical agency of the OAS. Several background documents and technical studies prepared by the Department of Legal Affairs of the OAS General Secretariat were distributed before and during the Conference. On their part, the delegations presented several drafts, working papers and other documents, which were considered at different sessions.

Even though there were eleven topics on the agenda, the Conference decided to give priority to two topics on international trade law and to four topics on international procedural law.

The Conference organized two main committees, Committee I and Committee II, in addition to a Credentials Committee and a Style Committee.

The Minister of Foreign Affairs of Nicaragua, Dr. Alejandro Montiel Arguello, was elected Chairman of Committee I. Dr. Haroldo T. Valladão, a Brazilian jurist, was elected Chairman of Committee II.

The following jurists were elected Vice Chairmen and Rapporteurs of Committee I and Committee II: Dr. Gonzalo Parra Aranguren, of Venezuela, and Dr. Jorge Illueca, of Panama, Vice Chairman and Rapporteur, respectively, of Committee I; and Dr. Joseph Sweeney, of the United States, and Dr. Edison Gonzalez Lapeyre, of Uruguay, Vice Chairman and Rapporteur, respectively, of Committee II; Ambassador Francisco Bertrand Galindo, of El Salvador, Chairman of the Credentials Committee, and Dr. Marco Gerardo Monroy Cabra, of Colombia, Chairman of the Style Committee.

Committee I was charged with the study of the topics on bills of exchange and checks, and international commercial arbitration. Committee II studied the topics on letters rogatory, the taking of evidence abroad, and the legal regime of powers of attorney to be used abroad, but did not have time to consider the topic on the recognition and enforcement of foreign judicial decisions.

Dr. Isidoro Zanotti acted as Technical Adviser to the President of the Conference in the plenary sessions, and also as Technical Adviser to Committee II.
The activities and results of the Conference were outstanding. It should be pointed out that this was the first Conference since 1928 to deal with Private International Law, in the context of the Inter-American System, that is, a Conference at government level to decide on basic topics on this subject. In that year the Sixth Inter-American Conference approved the Code of Private International Law or Bustamante Code. In the subregional field the last meeting of this nature was the Second South American Congress on Private International Law held in Montevideo, Uruguay, in 1939-1940, which approved several treaties. Actually, that Congress was held to revise the treaties adopted at the First South American Congress on Private International Law, Montevideo, 1888-1889.

Six conventions were approved by the Inter-American Specialized Conference on Private International Law (CIDIP), Panama, January 1975. They are the following:

1. Inter-American convention on conflict of laws concerning bills of exchange, promissory notes, and invoices.
2. Inter-American convention on conflict of laws concerning checks.
3. Inter-American convention on international commercial arbitration.
4. Inter-American convention on letters rogatory.
5. Inter-American convention on the taking of evidence abroad.
6. Inter-American convention on the legal regime of powers of attorney to be used abroad.

At the closing of the Conference on January 30, 1975 the above-mentioned conventions were signed by the delegates of the following Member States of the OAS who were vested with full powers for this purpose: Peru, Uruguay, Honduras, Costa Rica, Nicaragua, Ecuador, Guatemala, Brasil, Panama, Venezuela, El Salvador, Chile and Colombia. Peru did not sign the convention on international commercial arbitration. The order of precedence for signing was established at the beginning of the Conference. The conventions remain open for signature by other member States of the OAS at the General Secretariat of the OAS. They also remain open for accession by any other State.

It should be pointed out that the Conference decided that the final clauses of the six conventions be identical. For the first time in the
Inter-American System, the so-called Federal clause was included in the final clauses of inter-American conventions. This was done in response to a suggestion made by Canada, which has the status of Permanent Observer in the OAS. More on this point will be mentioned later.

The texts of the Final Act of the Conference, in the four official languages of the OAS, and of the six conventions in the same languages have been published by the General Secretariat of the OAS.

Following is a resumé of these six conventions:

1. *Inter-American Convention on Conflict of Laws Concerning Bills of Exchange, Promissory Notes, and Invoices*

This document contains eleven articles dealing with substantive matters, plus the final clauses. The first eight articles deal with bills of exchange. Art. 1 provides that the capacity to enter into an obligation by means of a bill of exchange shall be governed by the law of the place where the obligation was contracted.

According to Art. 2, the form of the drawing, endorsement, guaranty, intervention, acceptance or protest of a bill of exchange shall be governed by the law of the place in which each of these acts is performed. As set forth in Art. 3, all obligations arising from a bill of exchange shall be governed by the law of the place where they are contracted.

Under Art. 4, should one or more of the obligations contracted in a bill of exchange be invalid under the law applicable according to the preceding articles, this invalidity shall not affect such other obligations as are valid under the law of the place where they were contracted. Art. 5 declares that for the purposes of this convention should a bill of exchange not specify the place in which the obligation was entered into, the obligation shall be governed by the law of the place where the bill is payable, and should that place not be specified by the law of the place where it was drawn.

The law of the State in which the bill of exchange is payable shall determine the measures to be taken in case of robbery, theft, forgery, loss, destruction, or the instrument deteriorating to the point of becoming useless (Art. 7).

On the question of jurisdiction of courts, Art. 8 establishes that the courts of the State Party to the convention in which the obligation is to be honored or the courts of the State Party in which the defendant is
domiciled, at the option of the plaintiff, shall have jurisdiction over disputes arising from the negotiation of a bill of exchange.

Art. 9 provides that the foregoing articles are applicable to promissory notes, and Art. 10, first paragraph says that the articles are also applicable to invoices, between States Parties, that are considered to be negotiable instruments under their laws.

Each State Party is to inform the General Secretariat of the OAS whether or not an invoice is considered to be a negotiable instrument under its law (second paragraph of Art. 10). Finally, Art. 11 stipulates that the law declared applicable under this convention may be refused application in the territory of a State Party that considers it manifestly contrary to its public policy ("ordre public"). Art. 12 to 18 contain the final clauses (signature, ratification, accession, entry into force, etc.)

2. **Inter-American Convention on Conflict of Laws Concerning Checks**

The draft convention on bills of exchange and checks, prepared by the Inter-American Juridical Committee, contained an article concerning checks. In view of the opinions expressed during the Conference, a decision was taken to prepare a separate convention on conflict of laws on checks.

The Convention approved by the Conference has one substantive article; the other articles contain the final clauses. Art. 1 stipulates that the provisions of the Inter-American convention on conflict of laws concerning bills of exchange, promissory notes, and invoices, also approved by the Conference, shall apply to checks subject to the following modifications: The law of the State Party in which a check is payable shall determine: a) the time limit for presentation; b) whether a check can be accepted, crossed, certified or confirmed, and the effects of such acts; c) the rights of the holder with regard to the provision of funds and the nature of such rights; d) the rights of the drawer to revoke the check or oppose payment; e) the necessity of protest or of other equivalent acts for the preservation of rights against the endorsers, the drawer, or other obligated parties; f) such other matters as relate to the form of the check.

3. **Inter-American Convention on International Commercial Arbitration**

This document represents a great achievement in the Inter-American System. Since 1933 the System has had interest in this matter, and finally
an Inter-American convention has been adopted dealing with commercial arbitration. Editor's Note: For an in depth report on this convention please see the article in this issue by Charles R. Norberg, Esq.

4. Inter-American Convention on Letters Rogatory

This convention is divided into the following chapters: use of terms, scope of the convention, transmission of letters rogatory, requirements for execution, execution, general provisions, and final provisions.

Art. 1 defines certain terms. According to Art. 2, the convention shall apply to letters rogatory issued in conjunction with proceedings in civil and commercial matters held before the appropriate authority of one of the States Parties to the convention, that have as their purpose: a) the performance of procedural acts of a merely formal nature, such as service of process, summonses or subpoenas abroad; b) the taking of evidence and the obtaining of information abroad, unless a reservation is made in this respect. Art. 3 states that the convention shall not apply to letters rogatory relating to procedural acts other than those specified in the preceding article; in particular it shall not apply to acts involving measures of compulsion.

Letters rogatory may be transmitted to the authority to which they are addressed by the interested parties, through judicial channels, diplomatic or consular agents, or the Central Authority of the State of origin or of the State of destination. Each State Party shall inform the General Secretariat of the OAS of the Central Authority competent to receive and distribute letters rogatory (Art. 4).

Letters rogatory shall be executed in the States Parties provided they are legalized and duly translated into the official language of the State of destination; the appended documentation should also be translated (Art. 5). Legalization shall not be required when letters rogatory are transmitted through consular or diplomatic channels or through the Central Authority (Art. 6).

Letters rogatory shall be executed in accordance with the laws and procedural rules of the State of destination (first paragraph of Art. 10). The costs and other expenses involved in the processing and execution of letters rogatory shall be borne by the interested parties (first paragraph of Art. 12).

State Parties belonging to economically integrated systems may agree directly between themselves upon special methods and procedures more
expeditious than those provided for in this convention (Art. 14). The State Parties may declare that the provisions of the convention cover the execution of letters rogatory in criminal, labor, and contentious-administrative cases, as well as in arbitration and other matters within the jurisdiction of special courts. Such declarations shall be transmitted to the General Secretariat of the OAS (Art. 16). State Parties should also inform that Secretariat about the requirements stipulated in their laws for the legalization and the translation of letters rogatory (Art. 18). All this information is to be distributed by the General Secretariat to the Member States of the OAS. Art. 19 to 25 contain the final clauses.

5. *Inter-American Convention on the Taking of Evidence Abroad*

This convention contains 16 substantive articles, plus the final clauses.

Under Art. 2, letters rogatory issued in conjunction with proceedings in civil and commercial matters for the purpose of taking evidence or obtaining information abroad and addressed by a judicial authority of one of the State Parties to the convention to the competent authority of another, shall be executed if: 1) the procedure requested is not contrary to legal provisions in the State of destination that expressly prohibit it; 2) the interested party places at the disposal of the authority of the State of destination the financial and other means necessary to secure compliance with the request.

Art. 4 provides that letters rogatory requesting the taking of evidence or the obtaining of information abroad shall set forth the following information: 1) a clear and precise statement of the purpose of the evidence requested; 2) copies of the documents and decisions that serve as the basis and justification of the letter rogatory; 3) names and addresses of the parties to the proceeding, as well as of witnesses, and other persons involved; 4) a summary report on the proceedings and the facts giving rise to it; 5) a clear and precise statement of such special requirements or procedures as may be required by the authority of the State of origin.

Letters rogatory concerning the taking of evidence shall be executed in accordance with the laws and procedural rules of the State of destination (Art. 5). Letters rogatory may be transmitted to the authority to which they are addressed through judicial channels, diplomatic or consular agents, or the Central Authority of the State of origin or of the State of destination. Each State Party shall inform the General Secretariat of the OAS of the Central Authority competent to receive and distribute letters rogatory (Art. 11). This provision is identical to Art. 4 of the
convention on letters rogatory. Some other provisions are also similar or identical to articles of the said convention in view of the subjects with which the two conventions deal Art. 17 to 23 contain the final clauses.

6. **Inter-American Convention on the Legal Regime of Powers of Attorney to be used Abroad**

This document contains 12 articles of substantive nature.

According to Art. 1, powers of attorney duly given in one of the State Parties shall be valid in any of the other State Parties, provided they comply with the provisions of this convention.

The formalities and solemnities to be observed in giving a power of attorney to be used abroad shall be governed by the law of the place in which it was given unless the principal chooses to submit to the law of the State in which the power of attorney is to be used. In any case, should the law of the State in which a power of attorney is to be used require solemnities essential to its validity, such law shall govern (Art. 2). Should the State in which the power of attorney is given not recognize an essential solemnity required under the law of the State in which the power of attorney is to be used, compliance with Art. 7 of the convention shall suffice (Art. 3).

The effects and use of the power of attorney shall be governed by the law of the State in which it is to be used (Art. 5). Under Art. 6, in all powers of attorney, the official responsible for legalizing them shall certify or attest to the following, if competent to do so: a) the identity of the principal as well as his statement as to his nationality, age, domicile, and marital status; b) the authority of the principal to give a power of attorney on behalf of another natural person; c) the legal existence of the juridical person on whose behalf the power of attorney is given; d) the power of the principal to represent the juridical person and his authority to grant the power of attorney on its behalf.

Art. 7 stipulates that should there be no official in the State in which the power of attorney is given competent to certify or attest to the items mentioned in Art. 6, the following formalities shall be observed: a) the power of attorney shall include a sworn statement by the principal, or an affirmation that he will tell the truth about the items specified in Art. 6 a); b) legalized copies or other evidence with respect to the items specified in Art. 6, b), c) and d); c) the signature of the principal shall be authenticated; d) such other requirements should be observed as may be stipulated in the law under which the power of attorney is given.
Powers of attorney should be legalized when the law of the place where they are to be used so requires (Art. 8). The final clauses are contained in Art. 13 to 19.

FINAL CLAUSES OF THE CONVENTIONS

Each of the six conventions has its own set of final clauses, but all are identical, and are spelled out in seven articles.

The conventions are open for signature by the Member States of the OAS and are subject to ratification. The instruments of ratification shall be deposited with the General Secretariat of the OAS.

The conventions are open for accession by any other State. The instruments of accession shall be deposited with the General Secretariat of the OAS.

Each convention shall enter into force on the thirtieth day following the date of deposit of the second ratification. For each State ratifying or acceding to the convention after the deposit of the second instrument of ratification, the convention shall enter into force on the thirtieth day after deposit by such State of the instrument of ratification or accession.

Each convention shall remain in force indefinitely, but any of the State Parties may denounce it. The instrument of denunciation shall be deposited with the General Secretariat of the OAS. After one year from the date of deposit of the instrument of denunciation, the convention shall no longer be in effect for the denouncing State, but shall remain in effect for the other States Parties.

The original instruments of the conventions are deposited with the General Secretariat of the OAS, and are written in English, French, Portuguese and Spanish. The Secretariat shall notify the Member States of the OAS and the States that have acceded to the conventions of the signatures, concerning deposits of instruments of ratification, accession, and denunciation as well as of reservations, if any. It shall also transmit certain declarations and information mentioned in some of the conventions.

Federal clause

The so-called Federal clause is contained in the final clauses of all six conventions; the text is the same for all of them.
According to this clause, if a State Party has two or more territorial units in which different systems of law apply in relation to the matters dealt with in this convention, it may, at the time of signature, ratification or accession, declare that the convention shall extend to all its territorial units or only to one or more of them. Such declaration may be modified by subsequent declarations, which shall expressly indicate the territorial unit or units to which the convention applies. Such subsequent declarations shall be transmitted to the General Secretariat of the OAS, and shall become effective thirty days after the date of their receipt.

As it is stated at the beginning of this report on CIDIP, this is the first time that the Federal clause has been included in an inter-American convention. This was done because of the interest shown by Canada, and the wide support by the delegations and technical staff at the Conference.

With this clause it will be easier for Canada to accede to the six conventions, or to some of them.

Resolutions by CIDIP

In Resolution I, the Conference requested the Permanent Council of the OAS to instruct the Inter-American Juridical Committee to give priority to new studies on checks, and specifically a study concerning conflict of laws thereon, so as to produce a more complete convention than that adopted by CIDIP, as well as a draft uniform law on checks.

By Resolution II, CIDIP made far-reaching recommendations and suggestions to the OAS General Assembly. It requested that body to convocate the second Inter-American Specialized Conference on Private International Law (CIDIP-II) to continue the study and consideration of those topics which, in the opinion of the Governments of the Member States, are most important and require attention most urgently.

In the same Resolution, CIDIP requested the General Assembly to convocate a Meeting of Specialists in Private International Law (REDIP), appointed by Governments, to prepare studies, draft conventions and other documents for the use of CIDIP-II. These studies, draft conventions and documents shall be transmitted to the Inter-American Juridical Committee (CJI) in order that it may make such comments and suggestions as it considers appropriate. The documentation prepared by REDIP and CJI shall be transmitted to the Governments of the Member States in order that they may study and make decisions on them at CIDIP-II.
Furthermore, the Conference suggested to the General Assembly that it instruct its Preparatory Committee to include in the draft program-budget of the OAS for 1976-1978, the necessary appropriations for holding, REDIP and CIDIP-II in that fiscal year. It suggested that, as an economy measure, REDIP be held at the headquarters of the General Secretariat of the OAS, if possible during the second half of 1976. It further suggested that CIDIP-II be held during the second half of 1977 in Uruguay, bearing in mind the outstanding contribution to the progress of law made by the South American Congresses on Private International Law held in Montevideo in 1888-89 and 1939-40.

In adopting Resolution II with the above mentioned suggestions, the Conference followed the modern tendency of other international organizations like the United Nations, the Hague Conference on Private International Law, and the Council of Europe to appoint working groups of experts in order to prepare the preliminary studies and draft conventions which are submitted to a higher body for consideration and finally to inter-governmental specialized conferences or meetings for final decision.

The observer of the Inter-American Juridical Committee, Dr. Caicedo Castilla, in his report on CIDIP, expresses his complete agreement with the criteria followed by CIDIP in its Resolution II. The meeting of specialists or experts suggested by CIDIP can make an excellent contribution to the study of very important matters which are still to be settled in the field of Private International Law.

The great success achieved by CIDIP at its meeting in Panama will, it is hoped, exert a beneficial influence in the development of this and other branches of law in the Inter-American System.

INTER-AMERICAN JURIDICAL COMMITTEE

The Inter-American Juridical Committee held a regular session at its headquarters in Rio de Janeiro from February 20 to March 14, 1975. It gave priority consideration to the topic of multinational corporations, and received extensive reports on this matter prepared by five of its members. At its next meeting in July-August 1975, the Committee will consider these reports plus any other studies that Committee members might present. It is expected that the Committee will adopt its own report and recommendations on this important subject.

The second Course on International Law organized by the Committee will also be held in July-August 1975. The Course will have a

The Organization of American States will award fifteen scholarships to post-graduate students, young law professors or government officials of the American countries. The Governments of the Member States of the OAS may send, at their expense, qualified officials to attend the Course. Private organizations, like universities, may also request that qualified persons be admitted to the Course at their expense.

The Course will be held at the headquarters of the Getulio Vargas Foundation in Rio de Janeiro, with the cooperation of the Institute of Public Law and Political Science of that Foundation.

May 16, 1975 is the deadline for submission of applications to the Fellowship Program of the OAS for the above mentioned fellowships.

UNITED NATIONS

GENERAL ASSEMBLY

The twenty-ninth (XXIX) regular session of the General Assembly of the United Nations was held in New York from September to December, 1974. This report contains a résumé of some of the resolutions adopted during that session.

ECONOMIC AND SOCIAL COUNCIL

On December 4, 1974, the General Assembly, on a single ballot, elected eighteen States to serve on the Economic and Social Council (ECOSOC) for a three-year term beginning January 1, 1975. ECOSOC will consist of fifty-four members. Of these the following are Member States of the OAS: Argentina, Brazil, Colombia, Ecuador, Guatemala, Jamaica, Mexico, Peru, Trinidad and Tobago, United States of America, and Venezuela.
INDUSTRIAL DEVELOPMENT BOARD

On December 16, 1974, the General Assembly, on a single ballot, elected fifteen States to serve on the Industrial Development Board for a three-year term beginning January 1, 1975. The Industrial Development Board will be composed of forty-five members. Of these the following are Member States of the OAS: Argentina, Brazil, Cuba, Jamaica, Mexico, Peru, United States of America, Uruguay, and Venezuela.

GOVERNING COUNCIL OF THE UNITED NATIONS ENVIRONMENT PROGRAMME

On December 16, 1974, the General Assembly, on a single ballot, elected nineteen members of the Governing Council of the United Nations Environment Program for a three-year term beginning January 1, 1975. The Council will consist of fifty-eight members. Of these, the following are Member States of the OAS: Argentina, Brazil, Chile, Colombia, Guatemala, Jamaica, Mexico, Nicaragua, Panama, United States of America, and Venezuela.

WORLD FOOD COUNCIL

On December 17, 1975, the General Assembly elected thirty-six States which had been nominated by ECOSOC to serve on the World Food Council. Of these the following are Member States of the OAS: Argentina, Colombia, Cuba, Guatemala, Mexico, Trinidad and Tobago, United States of America, and Venezuela. Some of the thirty-six members will serve for three years, some for two years and others for one year, according to lots drawn.

INTERNATIONAL CIVIL SERVICE COMMISSION

On December 18, 1974, the General Assembly appointed fifteen persons as members of the International Civil Service Commission, on the basis of a list submitted by the Secretary General. Of the fifteen persons the following are from Member States of the OAS: Robert E. Hampton (United States of America), Antonio Fonseca Pimentel (Brazil), and Raul J. Quijano (Argentina). Mr. Quijano was appointed Chairman of the Commission. He was the Chief of the Argentine Delegation to the OAS for several years.
BOARD OF GOVERNORS OF THE SPECIAL FUND

On December 18, 1974, the General Assembly elected thirty-four members of the Board of Governors of the Special Fund. Of these, the following are Member States of the OAS: Argentina, Brazil, Costa Rica, Paraguay, Uruguay, and Venezuela.

CONVENTION ON THE REGISTRATION OF OBJECTS LAUNCHED INTO OUTER SPACE

By Resolution 3235 (XXIX), adopted on November 12, 1974, the General Assembly approved the Convention on Registration of Objects Launched into Outer Space. This convention contains seven substantive articles, plus the final clauses.

Art. I defines some terms. According to Art. II, paragraph 1, when a space object is launched into earth orbit or beyond, the launching State shall register the space object in an appropriate registry which it shall maintain. Each launching State shall inform the Secretary General of the United Nations of the establishment of such a registry. Paragraph 2 provides that where there are two or more launching States in respect of any such space object, they shall jointly determine which one of them shall register the object in accordance with paragraph 1 of Art. II, bearing in mind the provisions of Art. VIII of the Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies, and without prejudice to appropriate agreements concluded or to be concluded among the launching States on jurisdiction and control over the space object and over any personnel thereof.

The Secretary General of the United Nations, according to Art. III, shall maintain a Register in which the information furnished in accordance with Art. IV shall be recorded; there shall be full and open access to the information in this Register. As provided in Art. IV, each State of registry shall furnish to the Secretary General of the United Nations, as soon as practicable, the following information concerning the space objects carried on its registry: a) Name of launching State or States; b) an appropriate designator of the space object or its registration number; c) date and territory or location of launch; d) basic orbital parameters, including: (i) Nodal period, (ii) inclination, (iii) apogee, (iv) perigee; e) general function of the space object. Each State of registry
may, from time to time, provide the Secretary General of the United Nations with additional information concerning a space object carried on its registry.

The convention shall be open for signature by all States at United Nations Headquarters in New York. The convention is subject to ratification. Any State which does not sign the convention before its entry into force may accede to it at any time.

**NAPALM AND OTHER INCendiARY WEAPONS**

In Resolution 3255 (XXIX), adopted December 9, 1974, the General Assembly urged all Governments to examine the considerable body of facts which is now available on napalm and other incendiary weapons and to compile without delay such supplementary data as may be required by them to focus upon specific proposals for prohibitions or restrictions. It also appealed to all Governments to cooperate in the clarification of the issues and to consider in a constructive spirit and with a sense of urgency all proposals and suggestions which have been or may be advanced on the matter.

In the second part of the same resolution the General Assembly condemned the use of napalm and other incendiary weapons in armed conflicts in circumstances where it may affect human beings or may cause damage to the environment and/or natural resources. It urged all States to refrain from the production, stockpiling, proliferation and use of such weapons, pending the conclusion of agreements on the prohibition of these weapons.

**TREATY OF TLATELOLCO**

In Resolution 3258 (XXIX), adopted December 9, 1974, the General Assembly noted with satisfaction that Additional Protocol II of the Treaty for the Prohibition of Nuclear Weapons in Latin America (Treaty of Tlatelolco), which came into force for the United Kingdom of Great Britain and Northern Ireland and the United States of America in 1969 and 1971, respectively, has entered into force as well during 1974 for France and the People's Republic of China, whose governments deposited their respective instruments of ratification on March 22 and June 12, 1974. The Assembly also urged the Soviet Union to sign and ratify Additional
Protocol II of the Treaty of Tlatelolco, as has already been done by the other four nuclear-weapon States to which the General Assembly began to address its appeal in 1967.

By Resolution 3262 (XXIX) of December 9, 1974, the General Assembly noted with satisfaction that the United Kingdom of Great Britain and Northern Ireland deposited its instrument of ratification of Additional Protocol I of the Treaty of Tlatelolco on December 11, 1969, and that the Kingdom of the Netherlands did likewise on July 26, 1971. The Assembly urged the other two States which under the Treaty may become parties to its Additional Protocol I, to sign and ratify it as soon as possible.

**ESTABLISHMENT OF A NUCLEAR-WEAPON-FREE ZONE IN THE REGION OF THE MIDDLE EAST**

By Resolution 3263 (XXIX), adopted December 9, 1974, the General Assembly commended the idea of the establishment of a nuclear-weapon-free zone in the region of the Middle East. It considered that, in order to advance the idea of a nuclear-weapon-free zone in that region, it is indispensable that all parties concerned proclaim solemnly and immediately their intention to refrain, on a reciprocal basis, from producing, testing, obtaining, acquiring or in any way possessing nuclear weapons. The Assembly also called upon the parties concerned in the area to accede to the Treaty on the Non-Proliferation of Nuclear Weapons.

**DECLARATION AND ESTABLISHMENT OF A NUCLEAR-FREE ZONE IN SOUTH ASIA**

Under Resolution 3265 (XXIX) of December 9, 1974, the General Assembly considered that the initiative for the creation of a nuclear-free zone in the appropriate region of Asia should come from the States of the region concerned, taking into account its special features and geographical extent. It also considered that the Treaty of Tlatelolco could serve as a model to be emulated with advantage by other regions. The Assembly took note of the affirmation by the States of the region not to acquire or manufacture nuclear weapons and to devote nuclear programs exclusively to the economic and social advancement of their people. It endorsed, in principle, the concept of a nuclear-weapon-free zone in South Asia.
IMPLEMENTATION OF THE DECLARATION ON THE
STRENGTHENING OF INTERNATIONAL SECURITY

In Resolution 3332 (XXIX) of December 17, 1974, the General Assembly reaffirmed all the principles and provisions contained in the Declaration on the Strengthening of International Security and urgently appealed to all States to implement and adhere to all provisions of the Declaration, and without delay to broaden the scope of Déttente to cover the entire world, to stop the arms race, as well as to take practical steps to reduce armaments, and to reaffirm the principles contained in the Declaration on Friendly Relations among States. The Assembly also reaffirmed that all States have the right to participate, on a basis of equality, in the settlement of major international problems in accordance with the principles of the Charter of the United Nations, so that peace and security will be based on effective respect for the sovereignty and independence of each State and the inalienable right of each people to determine its own destiny freely and without interference, coercion or pressure.

WORLD POPULATION CONFERENCE

Through Resolution 3344 (XXIX), adopted December 17, 1974, the General Assembly took note with appreciation of the report of the World Population Conference, including the resolutions and recommendations of the Conference and the World Population Plan of Action.

It affirmed that the World Population Plan of Action is an instrument of the international community for the promotion of economic development, quality of life, human rights and fundamental freedoms within the broader context of the internationally adopted strategies for national and international progress. It stressed that the implementation of the World Population Plan of Action should take full account of the Program of Action on the Establishment of the New International Economic Order, and thus contribute to its implementation.

The Assembly called upon the Population Commission and the governing bodies of the United Nations Development Programme, the United Nations Fund for Population Activities, the regional economic commissions, the specialized agencies and all other United Nations bodies which report to the Economic and Social Council to determine how each can best assist in the implementation of the World Population Plan of Action.
WORLD FOOD CONFERENCE

In Resolution 3348 (XXIX) adopted December 17, 1974, the General Assembly took note with satisfaction of the report of the World Food Conference, and endorsed the Declaration on the Eradication of Hunger and Malnutrition and the resolutions adopted at the World Food Conference. It called upon Governments to take urgent action to implement the resolutions adopted at the World Food Conference and to achieve the goals established therein. The Assembly also decided to establish a World Food Council at the ministerial or plenipotentiary level to function as an organ of the United Nations, reporting to the General Assembly through the Economic and Social Council. The World Food Council consists of thirty-six members nominated by the Economic and Social Council and elected by the General Assembly for a term of three years, taking into consideration balanced geographical representation, with one third of the members retiring every year. The Assembly further decided that the first meeting of this Council should be convened not later than July 1, 1975.

CHARTER OF ECONOMIC RIGHTS AND DUTIES OF STATES

By Resolution 3281 (XXIX) of December 12, 1974, the General Assembly approved the Charter of Economic Rights and Duties of States. This Charter is neither a treaty nor a convention.

This is a fairly long document. The introductory part and the preamble contain two pages. Chapter I is entitled "Fundamentals of economic relations," and it mentions several principles by which the economic as well as political and other relations among States shall be governed. This chapter enumerates fifteen principles.

It is worthwhile to note that several of the principles mentioned in Chapter I were adopted in the Inter-American System many years ago. We refer especially to the following principles: Sovereignty, territorial integrity and political independence of States; sovereign equality of States; non-aggression; non-intervention; peaceful settlement of disputes; respect for human rights and fundamental freedoms.

Chapter II enumerates the economic rights and duties of States. In twenty-eight articles this chapter spells out very broad and comprehensive
social and economic rights and duties of States. The two articles contained in Chapter III deal with the common responsibilities towards the international community: Exploration of the sea-bed and ocean floor, and the protection of environment. Chapter IV contains the final provisions.

INTERNATIONAL LAW COMMISSION

In Resolution 3315 (XXIX), adopted December 14, 1974, the General Assembly took note of the report of the International Law Commission on the work of its twenty-sixth session (1974) and expressed its appreciation to the Commission for the work accomplished at that session.

Furthermore, the Assembly recommended that the International Law Commission should: a) Continue on a high priority basis at its twenty-seventh session (1975) its work on State responsibility with a view to the preparation of a first set of draft articles on the responsibility of States for internationally wrongful acts at the earliest possible time and take up, as soon as appropriate, the separate topic of international liability for injurious consequences arising out of acts not prohibited by international law; b) proceed with the preparation, on a priority basis, of draft articles on succession of States in respect of matters other than treaties; c) proceed with the preparation of draft articles on the most-favoured-nation clause; d) proceed with the preparation of draft articles on treaties concluded between States and international organizations or between international organizations; e) continue its study of the law of non-navigational uses of international watercourses.

In the same Resolution, the Assembly approved, in the light of the importance of its existing programs, a 12-week period for the annual sessions of the Commission, subject to review by the General Assembly whenever necessary. The Assembly also expressed the wish that, in conjunction with future sessions of the Commission, further seminars on international law might be organized, which should continue to ensure the participation of an increasing number of jurists of developing countries. The Assembly expressed its appreciation to the Commission for its valuable work on the question of succession of States in respect of treaties, and invited Member States to submit to the Secretary General, not later than August 1, 1975, their written comments and observations on the draft articles on succession of States in respect of treaties.
UNITED NATIONS COMMISSION ON INTERNATIONAL TRADE LAW (UNCITRAL)

Under Resolution 3316 (XXIX), adopted December 14, 1974, the General Assembly took note of the report of UNCITRAL on the work of its seventh session (1974). The Assembly noted with satisfaction that work on uniform rules on the liability of ocean carriers for loss, damage or delay with respect to cargo is nearing completion and that a draft convention setting forth such rules will be transmitted to Governments and interested international organizations in 1975 for their comments.

The Assembly recommended that UNCITRAL should: a) Continue to pay special attention to the topics to which it had given priority, namely, the international sale of goods, international payments, international commercial arbitration, and international legislation on shipping; b) continue to consider the legal problems presented by different kinds of multinational enterprises and the advisability of preparing uniform rules governing the liability for damage caused by products intended for or involved in international trade; c) intensify its work on training in the field of international trade law, taking into account the special interest of the developing countries; d) maintain close collaboration with the United Nations Conference on Trade and Development and continue to collaborate with international organizations active in the field of international trade law; e) continue to give special consideration to the interests of developing countries and to bear in mind the special problems of land-locked countries.

REVIEW OF THE ROLE OF THE INTERNATIONAL COURT OF JUSTICE

By Resolution 3232 (XXIX), approved on November 12, 1974, the General Assembly recognized the desirability that States study the possibility of accepting, with as few reservations as possible, the compulsory jurisdiction of the International Court of Justice in accordance with Art. 36 of its Statute. It drew the attention of States to the advantage of inserting in treaties, in cases considered possible and appropriate, clauses providing for the submission of disputes, which may arise from the interpretation or application of such treaties, to the International Court of Justice. The Assembly further called upon States to keep under review the possibility of indentifying cases in which use can be made of the
International Court of Justice. It also recommended that United Nations organs and specialized agencies should, from time to time, review legal questions, within the competence of the International Court of Justice, that have arisen or will arise during the course of their activities, and study the advisability of referring them to the Court for an advisory opinion, provided that they are duly authorized to do so.

The Assembly reaffirmed that recourse to judicial settlement of legal disputes, particularly referral to the International Court of Justice, should not be considered as an unfriendly act between States.

**DIPLOMATIC ASYLUM**

In Resolution 3321 (XXIX) adopted December 14, 1974, the General Assembly considered the desirability of initiating preliminary studies on the humanitarian and other aspects of the question of diplomatic asylum. It invited Member States wishing to express their views on the subject to communicate them to the Secretary General of the United Nations not later than June 30, 1975. It requested the Secretary General to prepare and circulate to Member States, before the thirtieth session of the General Assembly, a report containing an analysis of the question of diplomatic asylum, taking into account, in particular: a) The texts of relevant international agreements; b) relevant decisions of tribunals; c) the consideration of the question in intergovernmental organizations; d) relevant studies made or being made by non-governmental bodies concerned with international law; e) the relevant views of qualified publicists.

**TERRITORIAL ASYLUM**

By Resolution 3272 (XXIX) adopted December 10, 1974, the General Assembly agreed to study at its thirtieth session, the question of holding a conference of plenipotentiaries on territorial asylum. It also agreed to establish a group of experts to prepare a draft convention on the subject. The group is composed of twenty-seven States appointed by the President of the Assembly. It should be noted that the Assembly did not request the International Law Commission to prepare such a draft convention, but rather created a special group of experts to do so.

It should also be pointed out that since 1928 several conventions on asylum have been adopted in the Inter-American System. A large body
of doctrine and positive law has developed in the context of that System
which the United Nations could use as very important precedent.

**DEFINITION OF AGGRESSION**

The General Assembly approved a Definition of Aggression by
Resolution 3314 (XXIX) approved December 14, 1974. The Assembly
expressed its appreciation to the Special Committee on the Question of
Defining Aggression for its work which resulted in the elaboration of the
Definition of Aggression. The Assembly called upon all States to refrain
from all acts of aggression and other uses of force contrary to the Charter
of the United Nations and the Declaration on Principles of International
Law concerning Friendly Relations and Cooperation among States in
accordance with the Charter of the United Nations.

The Definition of Aggression contains eight articles. As established
by Art. 1, aggression is the use of armed force by a State against the
sovereignty, territorial integrity or political independence of another
State, or in any manner inconsistent with the Charter of the United
Nations, as set out in this Definition. Art. 2 declares that the first use
of armed force by a State in contravention of the Charter shall constitute
prima facie evidence of an act of aggression, although the Security Coun-
cil may, in conformity with the Charter, conclude that a determination
that an act of aggression has been committed would not be justified in
the light of other relevant circumstances including the fact that the acts
concerned or their consequences are not of sufficient gravity.

Art. 3 provides that any of the following acts, regardless of a decla-
ration of war, shall, subject to and in accordance with the provisions of
Art. 2, qualify as an act of aggression:

a) The invasion or attack by the armed forces of a State of the
territory of another State, or any military occupation, however temporary,
resulting from such invasion or attack, or any annexation by the use of
force of the territory of another State or part thereof;

b) bombardment by the armed forces of a State of the territory
of another State or the use of any weapons by a State against the territory
of another State;

c) the blockade of the ports or coasts of a State by the armed forces
of another State;
d) an attack by the armed forces of a State on the land, sea or air forces, or marine and air fleets of another State;

e) the use of the armed forces of one State which are within the territory of another State with the consent of the receiving State, in contravention of the conditions provided for in the agreement or any extension of their presence in such territory beyond the termination of the agreement;

f) the action of the State in allowing its territory, which it has placed at the disposal of another State, to be used by that other State for perpetrating an act of aggression against a third State;

g) the sending by or on behalf of a State of armed bands, groups, irregulars or mercenaries, which carry out acts of armed force against another State of such gravity as to amount to the acts listed above, or its substantial involvement.

These acts, according to Art. 4, are not exhaustive and the Security Council may determine that other acts constitute aggression under the provisions of the Charter of the United Nations. Art. 5 provides that no consideration of whatever nature, whether political, economic, military or otherwise, may serve as justification for aggression; a war of aggression is a crime against international law, and aggression gives rise to international responsibility; no territorial acquisition or special advantage resulting from aggression are or shall be recognized as lawful.

Nothing in the definition shall be construed as in any way enlarging or diminishing the scope of the Charter, including its provisions concerning cases in which the use of force is lawful (Art. 6).

In the preamble of the Definition of Aggression, the General Assembly expressed inter alia that one of the fundamental purposes of the United Nations is to maintain international peace and security and to take effective collective measures for the prevention and removal of threats to the peace, and for the suppression of acts of aggression or other breaches of the peace; that the States have the duty under the Charter to settle their international disputes by peaceful means in order not to endanger international peace, security and justice. The Assembly reaffirmed the duty of States not to use armed force to deprive peoples of their right to self-determination, freedom and independence, or to disrupt territorial integrity. It also reaffirmed that the territory of a State shall not be violated by being the object, even temporarily, of military occupation or
of other measures of force taken by another State in contravention of the Charter, and that it shall not be the object of acquisition by another State resulting from such measures or the threat thereof.

IMPLEMENTATION OF THE DECLARATION ON THE GRANTING OF INDEPENDENCE TO COLONIAL COUNTRIES AND PEOPLES

By Resolution 3328 (XXIX) of December 16, 1974, the General Assembly reaffirmed Resolution 1514 (XV) and all other resolutions on decolonization, and called upon the administering Powers, in accordance with those Resolutions, to take the necessary steps to enable the dependent peoples of the Territories concerned to exercise fully and without further delay their inalienable right to self-determination and independence.