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REGIONAL AND INTERNATIONAL ACTIVITIES

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ORGANIZATION OF AMERICAN STATES

GENERAL ASSEMBLY

For information on the preparation and topics of the preliminary draft agenda for the fourth regular session of the OAS General Assembly to be held in Atlanta, Georgia, beginning April 19, 1974, see 6 Law. Am. 135, 1974.

On November 12, 1973 the Preparatory Committee of the General Assembly approved a preliminary draft agenda, which was opportunely sent to the governments of the Member States for their observations. From these, several new topics were added. On February 7, 1974 the Preparatory Committee approved the draft agenda for the fourth regular session and submitted it to the Assembly. The following are, among others, the new topics added to the agenda. Analysis and evaluation of: the activities of transnational enterprises; their participation in the developing countries of America; and the influence such enterprises may have on international relations; policy of cooperation with countries not members of the OAS.

The October 1974 issue of Lawyer of the Americas will carry the results of the April, 1974 General Assembly.

*The opinions expressed in this report are those of the author in his personal capacity.
Preparation of Documents for the Inter-American Specialized Conference on Private International Law

The Inter-American Juridical Committee, during its meeting held in July-August 1973, prepared eight draft conventions for use of the Inter-American Specialized Conference on Private International Law convoked by the OAS General Assembly in Resolution AG/RES.48 (1-0/71) adopted on April 23, 1971, (6 Law. Am. 136, 1974). The Committee also prepared two resolutions and one draft resolution for submission to that Conference.

These draft conventions which deal with the problem of conflict of laws of different countries cover the following subjects: Commercial companies; bills of exchange, checks and promissory notes of international circulation; international commercial arbitration; international maritime transportation; letters rogatory; recognition and enforcement of foreign judgments and awards; taking of evidence abroad in civil and commercial matters; and legal regime of powers of attorney to be used abroad.

In preparing these draft conventions, the Inter-American Juridical Committee took into account the provisions of the Code of Private International Law or Bustamante Code adopted at Havana in 1928, the Montevideo Treaties on Private International Law of 1889 and 1939-1940, as well as new developments since the adoption of the said instruments. In some instances, the Committee followed the standards of the pertinent Montevideo Treaties, and in others it followed the rules of the Bustamante Code, but in all cases bearing in mind the idea of harmonizing these instruments whenever possible, and updating the rules on conflict of laws.

It should be pointed out that the final clauses of the draft conventions are identical, and provide that the conventions will remain open for signature by the Governments of the Member States and of any other State that requests to sign them. They also provide that the conventions will enter into force among the states that ratify them, in the order in which they deposit their instruments of ratification.

Following is a resumé of some of those draft conventions.
Draft Inter-American Convention on Commercial Companies

According to Art. 1, the commercial character of a company is determined by the law of the place in which it is domiciled. If the law does not distinguish between commercial and civil entities, the law of the country in which the question is submitted to the courts shall be applied.

Art. 2 provides that commercial companies duly constituted in one of the contracting states shall enjoy the same legal personality in the others. They may exercise civil rights, perform acts of commerce, and appear as parties to a law suit, subject to the territorial laws. According to Art. 3, the territorial rules which apply to commercial companies on the following subjects, are: Registration in the form indicated and for the relevant purposes; designation of the permanent agent to represent them judicially or extrajudically, and the regulation of all matters relating to credit and insurance institutions, as well as natural resources institutions of vital economic importance. Art. 4 establishes that the law of the commercial domicile shall govern the nature of the document required for the company’s contract of organization.

The legal conditions for issuing, negotiating or encumbering stocks or bonds of commercial companies are governed by the law of the state in which these issues or negotiations or obligations are carried out (Art. 6). The judges of the state where the company has its domicile are competent to take cognizance of actions which may arise between the members or which third parties may institute against the company.

Draft Inter-American Convention on Bills of Exchange, Checks and Promissory Notes of International Circulation

Art. 1 stipulates that the forms of the draft, endorsement, guarantee, intervention, acceptance and protest of a bill of exchange shall be governed by the law of the place in which each one of these acts takes place. The capacity to appear in a bill of exchange and the acts relating thereto shall be governed by the law of the place in which each one of the acts takes place.

The juridical relations that arise between the drawer and the payee of a bill of exchange as the result of the drawing thereof shall be governed by the law of the place where the bill was drawn; those that result between the drawer and the drawee shall be governed by the law of the
place where the acceptance was to take place (Art. 2). Likewise, the obligations and rights existing between the acceptor and the holder shall be regulated by the law of the place in which the acceptance was made (Art. 3). The time limits and formalities for acceptance, payment and protest shall be governed by the law of the place in which the acts take place (Art. 8).

Art. 9 declares that the provisions of the foregoing articles are applicable to drafts, promissory notes and orders or checks but, with respect to checks, are subject to the following modifications: The law of the state in which the check is to be paid shall determine: 1) the time of presentation; 2) whether or not the check can be accepted, crossed, certified or confirmed, and the effects of these operations; 3) rights of the holder in regard to remittance of funds and the nature of such funds; 4) the rights of the drawer to revoke the check or oppose payment; 5) the necessity of protest or other equivalent act, for the preservation of rights against the endorsers, the drawer, or other obligated parties; 6) such other circumstances as relate to the attributes of the check.

*Draft Inter-American Convention on International Commercial Arbitration*

In Art. 1 the draft convention establishes the validity of the arbitration clause under which the parties undertake to submit to arbitral decision all or some of the disputes that arise between them with respect to commercial transactions. Under Art. 2, arbitrators shall be appointed in the manner agreed upon by the parties, and their appointment may be delegated to a third party, whether a natural or juridical person. Arbitrators may be nationals or foreigners.

In the absence of express agreement between the parties, the procedure for international commercial arbitration shall be determined by the law of the place of arbitration. If there is none, the procedure shall be determined by the arbitrators. If the arbitrators have been appointed by an inter-American committee on arbitration the procedure shall be determined by the Rules of Procedure of the Inter-American Commission on Commercial Arbitration. In either case the public order provisions of local law must be observed (Art. 3).

The decisions of arbitrators have the force of final judgment. Execution may be ordered in the same manner as that of national or foreign judicial decisions, according to local laws and provisions of international treaties (Art. 4).
As established in Art. 5, the party against whom the judgment is made may take exception to its execution through action of nullity in the following cases: I) Nullity or expiration of the arbitration clause; II) Fraud or duress in the issuance of the decision; III) Action by the arbitrators beyond their powers or their failure to resolve some of the points in dispute; IV) Essential defect of the procedure or issuance of the decision outside the period established by the parties; V) Failure of the decision to provide final and definitive resolution of the dispute; VI) The terms of the decision are contradictory to the extent that they cannot be executed.

 Draft Inter-American Convention on the Recognition and Execution of Foreign Judgments and Awards

According to Art. 1, judgments and arbitral awards rendered in civil, commercial or labor proceedings in one of the contracting states shall be recognized and may be executed in the others if they fulfill the following conditions: a) The judge or the court which has rendered it has competence to take cognizance of the matter and to pass judgment upon it; b) the parties have been summoned for the trial either personally or through their legal representative and, in addition, in accordance with the law of the country in which trial took place; c) they do not conflict with the public order of the country in which recognition or execution is sought; d) they are final or have the authority of res judicata in the state in which they are rendered; e) the action is personal, unless it relates to personal property introduced into the country of enforcement after the notification of the complaint is made; f) in labor matters, if they fulfill certain conditions established in the convention.

The procedure for the recognition and execution of foreign judgments and arbitral awards shall be governed by the Convention and, in respect of matters not provided for therein, by the law of the state in which the recognition or execution is sought (Art. 2).

Art. 3 establishes the documents that should be submitted in order to request the recognition or execution of a foreign judgment or award. Art. 4 indicates which judges or courts are competent, for the purpose of the Convention, of carrying out different acts.

Art. 12 stipulates that the execution of a foreign judgment or award may be requested directly by the interested party from the competent judge or court of the state in which it is going to be executed. Art. 13
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says that the executive character of the judgments or awards shall be governed by the law of the place in which they are executed.

Art. 15 deals with the question of labor relations, establishing that judgments or awards rendered in any of the contracting states which terminate individual labor conflicts concerning the payment of monies rising from a labor relationship shall also be executable in the contracting states if they fulfill the conditions and requirements established in the Convention.

According to Art. 16, the provisions contained in foreign penal judgments relating to civil responsibility as well as to their effects on the property of the convicted person may be executed if they fulfill the conditions and requirements of the Convention.

Draft Inter-American Convention on the Obtaining of Evidence Abroad in Civil and Commercial Matters

Art. 1 provides that the law of the place of occurrence of the act or event to be proved is competent to determine the type of evidence that can be admitted in each case, with the exception of those expressly prohibited by the law of the place in which the proceeding is conducted. Under Art. 2, the manner in which evidence is produced is governed by the law of the place in which it is produced. Art. 3 says that the evaluation of evidence is subject to the law of the court that hears the case.

Documents executed in each of the contracting states shall have the same legal validity in the others as those executed therein provided they meet certain conditions established in Art. 4. According to Art. 5, the executive force of a document is determined by local law.

January-February 1974 Meeting of the Inter-American Juridical Committee

The Committee held a regular meeting from January 14 to February 20, 1974 at its headquarters in Rio de Janeiro, during which it approved a resolution on colonialism in the Americas, and a resolution on the law of the sea dealing specifically with the seabed and ocean floor. The Committee made detailed plans for the study of the problem of multinational commercial companies, and appointed rapporteurs to prepare reports on different aspects of this problem. It also considered the topic concerning violations of the principle of nonintervention. On
this point, the Committee revised its opinion dated 1959, and prepared a new list of cases of violations of that principle. At its next meeting, it will study the statement of reasons on this subject, to be drafted by the rapporteur.

The Committee also prepared its annual report for submission to the fourth regular session of the OAS General Assembly. It considered the plans for holding the Course on International Law that it is organizing with the cooperation of the OAS General Secretariat and the Getulio Vargas Foundation. The Course will have a duration of one month and will be held at the Foundation in Rio de Janeiro. The OAS is awarding twelve fellowships to citizens of American countries to attend the course, which will deal with the law of the sea, the law of Latin American economic integration, and private international law. The course starts on September 30, 1974.

The present Chairman and Vice Chairman of the Committee will end their terms of office on August 31, 1974. For this reason, the Committee elected Dr. Reynaldo Galindo Pohl, of El Salvador, and Dr. Jorge A. Aja Espil, of Argentina, as Chairman and Vice Chairman, respectively, for a two-year term beginning September 1, 1974. The next meeting of the Committee will begin on September 23, 1974.

INDUSTRIAL PROPERTY

The Inter-Governmental Working Group of the Meeting of Governmental Experts on Industrial Property and the Application of Technology to Development held its first session in Mexico City from December 3 to 8, 1973. The Working Group is integrated by the representatives of Brazil, Chile, Guatemala, Mexico and the United States of America. Guatemala, however, was not present at the session held in Mexico City. Other Member States were also represented: Argentina, Colombia and Uruguay. LAFTA, the Andean Group, the International Association for the Protection of Industrial Property, and the Mexican Industrial Property Association were represented by observers.

The Working Group held a general discussion on transfer of technology, patents and related matters, and prepared a questionnaire to the Governments of the Member States. This document contains
various questions which have been divided into the following chapters: Institutional aspects of industrial property, mechanisms of cooperation, and commercialization of technology.

The Working Group agreed to hold a second session at the end of May 1974 to study the answers by the Governments to the questionnaire, and to consider certain studies assigned to the members of the Working Group.

The above-mentioned Meeting of Governmental Experts was convoked by the OAS General Assembly in Resolution AG/RES.51 (I-O/71) adopted on April 23, 1971, for the purpose of studying problems of industrial property and their relationship to the development of the countries of the inter-American system, giving priority to certain topics mentioned in a report on industrial property of the Inter-American Juridical Committee submitted to the OAS General Assembly at its first regular session held in April 1971.

DECLARATION OF TLATELOLCO, MEXICO CITY, FEBRUARY 24, 1974

According to Chapter I of the Declaration of Tlatelolco, Secretary of State Henry Kissinger, at the request of President Nixon, invited the Foreign Ministers and other representatives of Latin America and the Caribbean attending the twenty-eighth session of the United Nations General Assembly to meet with him on October 5, 1973. At that time the Secretary of State suggested the initiation of a new dialogue to deal with matters of concern to the Americas. Mindful of this important initiative, the Government of Colombia extended an invitation to Dr. Kissinger to participate actively and personally in such dialogue. Dr. Kissinger accepted the invitation.

Thereafter, the Government of Colombia convoked the Conference of Foreign Ministers of Latin America for Continental Solidarity, held in Bogotá from November 14 to 16, 1973. On that occasion the Foreign Ministers of Latin America and the Caribbean agreed that it would be advantageous to initiate a dialogue on the following topics: Cooperation for development; coercive measures of an economic nature; restructuring of the Inter-American System; solution of the Panamá Canal question; structure of international trade and the monetary system; transnational enterprises; transfer of technology; general panorama of the relations
between Latin America and the United States of America. According to the agreement reached at that Conference, and with the concurrence of the Government of the United States of America, the Government of Mexico convoked the Conference of Tlatelolco which took place at the Palace of Tlatelolco in Mexico City from February 18 to 23, 1974. The agenda of the Conference comprised the eight items listed above with the addition of two others suggested by the Secretary of State Kissinger: review of the international situation and the energy crisis.

The Foreign Ministers of twenty-five American States attended the Conference, which was not an OAS conference.

The Conference was held in two parts, one exclusively for Latin Americans, from February 18 to 20, and the other from February 21 to 23, 1974, with the added participation of Secretary of State Kissinger. In the first phase of the Conference, the Latin American and Caribbean Foreign Ministers agreed on procedures for the initiation of the new dialogue, which Secretary Kissinger had proposed be founded on “friendship based on equality and respect for the dignity of all,” and upon methods for delineating the “Bases for a new dialogue between Latin America and the United States.” The Secretary of State agreed to these procedures.

In Chapter II of the Declaration it is stated that the Conference took place in an atmosphere of cordiality, free from the old rigidities which have so often obstructed the dialogues in more traditional forums. The Foreign Ministers agreed that the Americas have arrived at an historical moment—a time of unprecedented opportunity for achieving the goals of justice, peace and human dignity which have so long been the essential promise of the New World. They agreed, as well, that interdependence has become a physical and moral imperative, and that a new, vigorous spirit of inter-American solidarity is therefore essential.

It is also stated in that Chapter that inter-American relations should be based on an effective equality between States; on nonintervention; on the renunciation of the use of force and coercion and on the respect for the right of countries to choose their own political, economic and social systems. The Foreign Ministers reaffirmed the principle that every State has the right to choose its own political, economic and social system without foreign interference and that it is the duty of every State to refrain from intervening in the affairs of another. Furthermore, it is expressed that inter-American cooperation should be supplemented
by the establishment of a system of collective economic security that protects the essential requirements of integral development.

In Chapter III, the Declaration states that in the course of the permanent dialogue that has been successfully initiated at the Conference of Tlatelolco, a continuing effort should be made to reach, as soon as possible, joint solutions to the pending questions included in the agenda of the Conference.

Following is the complete text of the last two chapters of the Declaration of Tlatelolco, IV and V:

IV. The Conference goes on record as follows:

1) The Foreign Ministers recognized that the success of the Conference of Tlatelolco emphasizes the value of the new dialogue of the Americas. Mindful of the growing interaction between themselves and the rest of the world and that their countries have different needs and different approaches on foreign policy, the Foreign Ministers nevertheless agreed that the relations between their countries, which history, geography and sentiment have produced and continued to sustain, call for an expansion of the processes of consultation between their Governments.

As an initial step in this continuing process of consultation they agreed to continue on April 17, 1974 at Atlanta, Georgia, in the United States of America, the dialogue initiated in Mexico. In the same spirit they agreed to consult with the view to seeking, as far as possible, common positions in appropriate international consultations, including multilateral trade negotiations.

2) The Conference welcomes the agreement reached in Panama City on February 7, 1974 by the Governments of Panama and the United States of America, by which they established the guiding principles for their current negotiations leading to a new Canal treaty. The Conference holds that this agreement is a significant step forward on the road to a definitive solution of that question.

3) The Foreign Ministers agreed that, if progress toward a new Inter-American solidarity is to be made, solutions must be found not only to existing differences, but means must also be provided for the solution of problems that may arise.

4) In this spirit, the Foreign Ministers of Latin America have taken due note and will continue to examine the suggestion advanced by the
SECRETARY OF STATE OF THE UNITED STATES OF AMERICA WITH RESPECT TO THE CONTROVERSIES THAT MAY ARISE FROM MATTERS INVOLVING PRIVATE FOREIGN INVESTMENT.

The Secretary of State of the United States proposed the establishment of a fact-finding or conciliation procedure that would limit the scope of such controversies by separating the issues of fact from those of law. This could provide an objective basis for the solution of disputes without detriment to sovereignty.

He further proposed the creation of an inter-American working group to study the appropriate procedures that might be adopted.

5) With regard to the problems of transnational corporations, the Foreign Ministers discussed the different aspects of their operation in Latin America and have agreed to continue the examination of the matter at a later meeting.

6) The Foreign Ministers agreed on the need for intensifying work on the restructuring of the Inter-American System.

7) The Foreign Ministers agreed that one of the principal objectives is the accelerated development of the countries of the Americas and the promotion of the welfare of all their peoples. In this regard, the United States accepts a special responsibility; and the more developed countries of the Americas recognize that special attention should be paid to the needs of the lesser developed.

They further agreed that development should be integral, covering the economic, social and cultural life of their nations.

8) The United States offered to promote the integral development of the region in the following fields:

Trade

a) Make maximum efforts to secure passage of the legislation on the System of Generalized Preferences during the present session of Congress, and then work with the other countries of the hemisphere to apply these preferences in the most beneficial manner.

b) Avoid, as far as possible, the implementation of any new measures that would restrict access to the United States market.
Loans for Development

a) Maintain, as a minimum, present aid levels despite growing costs.

b) Cooperate throughout the region and in international institutions to facilitate the flow of new concessional and conventional resources toward those countries most affected by growing energy costs.

c) Examine with others in the Committee of Twenty and the IADB all restrictions on the entry of hemispheric countries to capital markets in the United States and other industrialized countries.

9) The Foreign Ministers further declare:

a) They reaffirm the need of Latin American and Caribbean countries for an effective participation of their countries in an international monetary reform.

It was acknowledged that the net transfer of real resources is basic, and that ways to institutionalize transfers through adequate mechanisms should be considered.

It was reaffirmed that external financial cooperation should preferably be channeled through multilateral agencies and respect the priorities established for each country, without political ties or conditions.

b) With respect to “Transfers of Technology”, the Foreign Ministers agreed to promote policies facilitating transfer of both patented and unpatented technical knowledge among the respective countries in the fields of industry as well as education, housing and agriculture, taking into account conditions prevailing in each country and in particular the needs of the Latin American and Caribbean countries for introduction of new manufactures, for greater utilization of the human and material resources available in each country, for increased local technical development and for creation of products for export. It was further agreed that transfers of technology should be on fair and equitable terms without restraint upon the recipient country. Particular emphasis is to be placed upon sharing knowledge and technology for development of new sources of energy and possible alternatives.

10) The Foreign Ministers agreed that it would be desirable to establish an Inter-American Commission of Science and Technology. They left for later decision whether this commission should be adapted from existing institutions or whether a new body should be formed.
V. In adopting this document, the Foreign Ministers expressed their confidence that the spirit of Tlatelolco will inspire a new creative effort in their relations. They recognized that they are at the beginning of a road that will acquire greater significance through regular meetings and constant attention to the matters under study.

The Conference expresses its satisfaction over the fact that the mutual understanding which has prevailed throughout encourages the hope that future conferences of a similar nature, within a permanent framework devoid of all rigid formality, will produce fruitful results for the benefit of the peoples of the Americas.

UNITED NATIONS

The twenty-eighth (XXVIII) regular session of the General Assembly of the United Nations was held in New York, September 18 to December 18, 1973. This report contains a resumé of some of the resolutions adopted during that session.

SECURITY COUNCIL


As of January 1, 1974, the Security Council is composed of the following fifteen members: Australia, Austria, Byelorussia, Cameroon, China, Costa Rica, France, Indonesia, Iraq, Kenya, Mauritania, Peru, Soviet Union, United Kingdom and United States of America.

ECONOMIC AND SOCIAL COUNCIL


In two further ballots at the same meeting, the General Assembly elected the 27 members added to the Council from January 1, 1974 as a result of its enlargement to a membership of 54. According to a proposal by the President of the Assembly, it was decided without objection
that the states, among the additional members which would serve for three years, two years and one year, respectively, would be selected by drawing lots.

Therefore, as of January 1, 1974 the ECOSOC consists of fifty-four members. Of these the following are Member States of the OAS: Argentina, Bolivia, Brazil, Chile, Guatemala, Jamaica, Mexico, Trinidad and Tobago, United States of America, Venezuela.

UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES

On December 1, 1973 the General Assembly approved by acclamation a recommendation by the Secretary-General that the term of office of Prince Sadruddin Aga Khan as United Nations High Commissioner for Refugees be extended for a further period of five years, from January 1, 1974 to December 31, 1978.

SECRETARY GENERAL OF UNCTAD

On December 6, 1973 the General Assembly confirmed the appointment of Gamani Corea as Secretary General of the United Nations Conference on Trade and Development for a three-year term beginning April 1, 1974 and ending on March 31, 1977.

INDUSTRIAL DEVELOPMENT BOARD


As of January 1, 1974 the Industrial Development Board is composed of forty-five members. Of these the following are Member States of the OAS: Argentina, Brazil, Cuba, Jamaica, Mexico, Peru, United States, Uruguay, and Venezuela.

GOVERNING COUNCIL OF THE U.N. ENVIRONMENT PROGRAM

REGIONAL AND INTERNATIONAL ACTIVITIES

As of January 1, 1974 the said Governing Council is composed of fifty-eight members. Of these the following are Member States of the OAS: Argentina, Brazil, Chile, Guatemala, Jamaica, Mexico, Nicaragua, Panama, Peru, United States, Venezuela.

UNCITRAL

On December 14, 1973, the General Assembly, on a single ballot, elected fifteen states to serve on the United Nations Commission on International Trade Law (UNCITRAL) for a six-year term beginning January 1, 1974. Some of the fifteen states were re-elected as members of UNCITRAL.

As of January 1, 1974 UNCITRAL consists of thirty-six members. Of these the following are Member States of the OAS: Argentina, Barbados, Brazil, Chile, Mexico, United States.

PEACE OBSERVATION COMMISSION

On December 17, 1973 the General Assembly approved the proposal by its President to reappoint as members of the Peace Observation Committee for 1974 and 1975 the following states: Czechoslovakia, France, Honduras, India, Iraq, Israel, New Zealand, Pakistan, Sweden, Soviet Union, United Kingdom, United States and Uruguay.

LAW OF THE SEA

In Resolution 3067 (XXVIII), adopted on November 16, 1973, the U.N. General Assembly expressed its appreciation to the Committee on the Peaceful Uses of the Sea-Bed and the Ocean Floor beyond the Limits of National Jurisdiction on the work it has done in preparing for the Third United Nations Conference on the Law of the Sea. The Assembly decided to convene the first session of the said Conference in New York from 3 to 14 of December 1973 for the purpose of dealing with the matters relating to the organization of the Conference. Furthermore, the Assembly agreed to convene the second session of the Conference for the purpose of dealing with the substantive work of the Conference, for a period of ten weeks from June 20 to August 29, 1974 in Caracas.
NAPALM AND OTHER INCENDIARY WEAPONS

By resolution 3076 (XXVIII), of December 6, 1973, the General Assembly invited the Diplomatic Conference on the Reaffirmation and Development of International Humanitarian Law Applicable in Armed Conflicts to consider — without prejudice to its examination of the draft protocols submitted to it by the International Committee of the Red Cross — the question of the use of napalm and other incendiary weapons, as well as other specific conventional weapons which may be deemed to cause unnecessary suffering or to have indiscriminate effects, and to seek agreement on rules prohibiting or restricting the use of such weapons.

CHEMICAL AND BACTERIOLOGICAL (BIOLOGICAL) WEAPONS

In Resolution 3077 (XXVIII) adopted on December 6, 1973, the U.N. General Assembly reaffirmed the recognized objective of effective prohibition of the development, production and stockpiling of all chemical weapons and of their elimination from the arsenal of all States. It requested the Conference of the Committee on Disarmament to continue negotiations, as a matter of high priority, on the problem of chemical and bacteriological (biological) methods of warfare, with a view to reaching early agreement on effective measures for the prohibition of the development, production and stockpiling of all chemical weapons. The Assembly also reaffirmed its hope for the widest possible adherence to the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction. It invited all states that have not yet done so to accede to the Protocol for the Prohibition of the Use of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare of June 17, 1925 and/or to ratify this Protocol.

SUSPENSION OF NUCLEAR TESTS

In Resolution 3078 (XXVIII) of December 6, 1973, the General Assembly condemned once again all nuclear weapon tests, and emphasized its deep concern at the continuance of nuclear weapon tests, both in the atmosphere and underground and at the lack of progress towards a comprehensive test ban agreement. It called anew upon all nuclear-weapon states to seek, as a matter of urgency, the end of all nuclear weapon tests in all environments.
ADDITIONAL PROTOCOL II OF THE TREATY OF Tlatelolco

Resolution 3079 (XXVIII) of the General Assembly, approved on December 6, 1973, noted with satisfaction that Additional Protocol II of the Treaty for the Prohibition of Nuclear Weapons in Latin America (Treaty of Tlatelolco), which entered into force for the United Kingdom of Great Britain and Northern Ireland and the United States of America in 1969 and 1971, respectively, has been signed in 1973 by France and by the People's Republic of China. The Assembly also urged the Soviet Union to sign and ratify Additional Protocol II of the said Treaty.

OUTER SPACE

In Resolution 3182 (XXVIII) of December 18, 1973 the General Assembly noted that the Working Group on Direct Broadcast Satellites — of the Committee on the Peaceful Uses of Outer Space — has discussed the question of elaborating principles governing the use by States of artificial earth satellites for direct television broadcasting referred to in Resolution 2916 (XXVII). The Assembly recommended that the Legal Subcommittee of the said Committee should, as a matter of highest priority, make its best efforts to complete the draft treaty relating to the Moon and the draft convention on registration of objects launched into outer space. The Assembly also recommended that the Legal Sub-Committee should consider at its next session, as a matter of high priority, the question of elaborating principles governing the use by States of artificial earth satellites for direct television broadcasting with a view to concluding an international agreement or agreements.

STRENGTHENING OF INTERNATIONAL SECURITY

Resolution 3185 (XXVIII) of the General Assembly, adopted on December 18, 1973, reaffirmed all the principles and provisions contained in the Declaration on the Strengthening of International Security adopted on December 16, 1970 (Resolution 2734 (XXV)) and appealed to all States to implement and adhere to all provisions of the Declaration. It also reaffirmed the recommendation that all States should contribute to the efforts to assure peace and security for all nations and to establish, in accordance with the Charter, an effective system of universal collective security without military alliances.
EFFECTS OF ATOMIC RADIATION

Resolution 3154 (XXVIII) of the General Assembly, adopted on December 14, 1973, deplored environmental pollution by ionizing radiation from the testing of nuclear weapons, and requested the United Nations Scientific Committee on the Effects of Atomic Radiation to continue its work, including its coordination activities, to increase knowledge of the levels and effects of atomic radiation from all sources.

REFORM OF THE INTERNATIONAL MONETARY SYSTEM

By Resolution 3084 (XXVIII) adopted on December 6, 1973 the General Assembly drew attention to the danger of harmful disruption of world trade and development, in particular for that of developing countries as a result of the continuing uncertainty in the international monetary sphere, and welcomed the intention of the Committee on the Reform of the International Monetary System and Related Issues to settle the issues of reform by July 31, 1974. The Assembly stressed that the reformed monetary system should aim at universality and should take into account the interest of the international community as a whole, thereby assisting in the evolution of a system of world economic relations based on the equality and interest of all countries.

The Assembly, on the other hand, recognized the need for an appropriate degree of flexibility in the new monetary system to take into account inter alia, the special characteristics and specific structural problems of developing countries. It asserted the fundamental importance of ensuring that the reformed system should both create conditions for and contain arrangements to promote an increasing flow of real resources from the developed countries to the developing countries.

U.N. CAPITAL DEVELOPMENT FUND

In Resolution 3122 (XXVIII) of December 13, 1973 the General Assembly welcomed the decision of the Governing Council of the United Nations Development Programme that the United Nations Capital Development Fund should be used to serve first and foremost the least developed among the developing countries. The Assembly also welcomed the increasing trend towards support for the expansion of the activities of the U.N. Capital Development Fund and called upon Member States and
specially the developed countries to provide substantial voluntary contributions to the Fund so as to make it fully operative and effective.

PROTECTION OF THE MARINE ENVIRONMENT

Resolution 3133 (XXVIII) adopted on December 13, 1973, emphasized the need for protecting and conserving the total living resources of ocean space through concerted environmental action, and stressed that both national and international action are needed to preserve and enhance the quality of ocean-life and protect the resources of the marine environment. It requested the Governing Council of the United Nations Environment Programme to consider and decide upon making a detailed survey of the living marine resources of the world's seas and oceans threatened with depletion, to be carried out by the U.N. Environment Programme in cooperation with FAO.

U.N. REVOLVING FUND FOR NATURAL RESOURCES EXPLORATION

In Resolution 3167 (XXVIII) of December 17, 1973 the General Assembly agreed to establish a United Nations Revolving Fund for Natural Resources Exploration as a trust fund, placed in charge of the Secretary General and administered on his behalf by the Administrator of the U.N. Development Programme.

ROLE OF MODERN SCIENCE AND TECHNOLOGY

The General Assembly, by Resolution 3168 (XXVIII) of December 17, 1973, endorsed the views expressed by the Economic and Social Council in Resolution 1826 (LV) of August 10, 1973, to the effect that it is necessary to initiate new actions to intensify international cooperation permitting all countries, in particular developing countries, to benefit from the achievements of modern science and technology for the acceleration of their economic and social progress by assisting in the creation of an indigenous capacity for scientific and technological growth. The Assembly requested the ECOSOC to give priority, through the Committee on Science and Technology for Development, to the consideration of the issues related to the role of modern science and technology in the development of nations and the need to strengthen economic, technical and scientific cooperation among states.
NEEDS OF THE LAND-LOCKED DEVELOPING COUNTRIES

In Resolution 3169 (XXVIII) of December 17, 1973, the General Assembly invited all Member States and the competent international organization to assist the land-locked developing countries in facilitating, within the framework of appropriate agreements, the exercise of their right of freedom of access to and from the sea.

SOVEREIGNTY OVER NATURAL RESOURCES

The General Assembly, by Resolution 3171 (XXVIII) adopted on December 17, 1973, reaffirmed the inalienable rights of states to permanent sovereignty over all their natural resources, on land within their international boundaries, as well as those in the sea-bed, in the sub-soil thereof, within their national jurisdiction and in the superjacent waters. It also affirmed that the application of the principle of nationalization carried out by states, as an expression of their sovereignty in order to safeguard their natural resources, implies that each state is entitled to determine the amount of possible compensation and the mode of payment, and that any disputes which may arise should be settled in accordance with the national legislation of each state carrying out such measures.

SPECIAL MEASURES IN FAVOUR OF THE LEAST DEVELOPED COUNTRIES

In Resolution 3174 (XXVIII) of December 17, 1973, the General Assembly called upon the developed countries to give the highest priority to the urgent implementation of the special measures in favour of the least developed countries as envisaged in Resolution 62 (II of UNCTAD), and to evolve innovative measures in different fields of assistance to the least developed countries with a view to enhancing their capacity to derive equitable and effective benefits from the policy measures of the International Development Strategy for the Second U.N. Development Decade. The Assembly requested all developed countries to respond favourably to the trend for reactivating and reorienting the U.N. Capital Development Fund by contributing to it and enforcing its operational activities through the annual pledging conferences.
ECONOMIC COOPERATION AMONG DEVELOPING COUNTRIES

By Resolution 3177 (XXVIII) of December 17, 1973, the General Assembly considered that the developing countries, with a view to expanding cooperation at the regional, subregional and interregional levels, should take further and vigorous steps, inter alia: To promote the further harmonization of their policies in the different fields of their mutual cooperation; to promote and expand regional, subregional and interregional trade by means of preferential trade arrangements; to promote, establish or strengthen economic integration at the regional and subregional levels; to protect their inalienable right to permanent sovereignty over their natural resources; to strengthen, expand or establish transport lines and other communications infrastructure among themselves; to promote and establish effective instruments of close cooperation in the fields of finance, credit relations and monetary issues.

INTERNATIONAL LAW COMMISSION

Resolution 3071 (XXVIII) of the General Assembly, adopted on November 30, 1973, took note of the report of the International Law Commission on the work of its twenty-fifth session (1973), and expressed the appreciation of the Assembly to the Commission for the work it accomplished at that session.

The Assembly recommended that the Commission should: a) complete at its twenty-sixth session (1974), in the light of comments received from Member States, the second reading of the draft articles on succession of states in respect of treaties; b) continue on a priority basis at its twenty-sixth session its work on state responsibility; c) undertake at an appropriate time a separate study of the topic of international liability for injurious consequences arising out of the performance of other activities; d) proceed with the preparation of draft articles on succession of states in respect of matters other than treaties; e) proceed with the preparation of draft articles on the most-favoured-nation clause; f) continue its study of the question of treaties concluded between states and international organizations or between two or more international organizations.

The Assembly also recommended that the Commission should at its twenty-sixth session commence its work on the law of non-navigational uses of international watercourses.
U.N. CONFERENCE ON THE REPRESENTATION OF STATES IN THEIR RELATIONS WITH INTERNATIONAL ORGANIZATIONS

In Resolution 3072 (XXVIII) of November 30, 1973 the General Assembly decided that the United Nations Conference on the Representation of States in Their Relations with International Organizations should be held early in 1975 in Vienna. It referred to the Conference, as the basic proposal for its consideration, the draft articles on the subject prepared by the International Law Commission.

RESPECT FOR HUMAN RIGHTS IN ARMED CONFLICTS

By resolution 3102 (XXVIII) of December 12, 1973 the General Assembly expressed its appreciation to the Swiss Federal Council for convoking in 1974 the Diplomatic Conference on the Reaffirmation and Development of International Humanitarian Law Applicable in Armed Conflicts and to the International Committee of the Red Cross for the extensive work it has performed in preparing the draft Additional Protocols to the Geneva Conventions of 1949. It urged all participants of the Diplomatic Conference to do their utmost to reach agreement on additional rules which may help to alleviate the suffering brought by armed conflicts and to protect non-combatants in such conflicts.

U.N. CONFERENCE ON PRESCRIPTION (LIMITATION) IN THE INTERNATIONAL SALE OF GOODS

In Resolution 3104 (XXVIII) of December 12, 1973 the General Assembly requested the Secretary General: To convene the United Nations Conference on Prescription (Limitation) in the International Sale of Goods at the United Nations Headquarters, New York, from May 20 to June 14, 1974; to invite states members of the United Nations or members of specialized agencies, and other states, to participate in the Conference; to invite interested specialized agencies and international organizations to attend the Conference as observers.

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

By Resolution 3106 (XXVIII) of December 12, 1973, the General Assembly authorized the Secretary General to carry out in 1974 and
1975 the activities specified in his report, including the provision of:

a) A minimum of fifteen fellowships in 1974 and 1975 at the request of Governments of developing countries; b) assistance in the form of a travel grant for one participant from each developing country invited to the regional activities to be organized in 1974 and 1975.

The Assembly expressed its appreciation to the United Nations Institute for Training and Research for its participation in the program, particularly in the organization of regional meetings and in the conduct of fellowship programs in international law sponsored jointly by the U.N. and the Institute. It also urged all governments to encourage the inclusion of courses on international law in the programs of legal studies offered at institutions of higher learning.

UNCITRAL

By Resolution 3108 (XXVIII) adopted on December 12, 1973, the General Assembly took note with appreciation of the report of the United Nations Commission on International Trade Law (UNCITRAL) on the work of its sixth session, and commended the Commission for the progress made in its work and for its efforts to enhance the efficiency of its working methods. The Assembly invited states which have not ratified or acceded to the Convention on the Recognition and Enforcement of Foreign Arbitral Awards of 1958 to consider the possibility of adhering thereto.

Furthermore, the Assembly recommended that UNCITRAL should:

a) Continue its work to pay special attention to the topics to which it has decided to give priority, that is, 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 in accordance with the decision thereon adopted by the Commission at its sixth session; c) accelerate its work on training and assistance in the field of international trade law, with special regard to the promotion and teaching of international trade law at universities, taking into account the special interests of the developing countries; d) continue to collaborate with international organizations active in the field of international trade law.

The Assembly also invited UNCITRAL to consider the advisability of preparing uniform rules on the civil liability of producers for damage caused by their products intended for or involved in international sale or distribution.
CONVENTION ON THE PREVENTION AND PUNISHMENT OF CRIMES AGAINST INTERNATIONALLY PROTECTED PERSONS INCLUDING DIPLOMATIC AGENTS

The General Assembly, by Resolution 3166 (XXVIII) of December 14, 1973, adopted the Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents, and invited all states to become parties to the Convention.

Following is a resume of the Convention.

The Convention contains a preamble and thirteen substantive articles, as well as the final clauses, Art. 14 to 20.

Art. 1 provides some definitions. "Internationally protected person" means: a) Head of State, including any member of a collegial body performing the functions of a Head of State under the constitution of the state concerned, a Head of Government or a Minister for Foreign Affairs, whenever such person is in a foreign state, as well as members of his family who accompany him; b) any representative or official of a state or any official or other agent of an international organization of an intergovernmental character who, at the time when and the place where a crime against him, his official premises, his private accommodation or his means of transport is committed, is entitled pursuant to international law to special protection from any attack on his person, freedom or dignity, as well as members of his family forming part of his household. "Alleged offender" means a person about whom there is sufficient evidence to determine prima facie that he has committed or participated in one or more of the crimes set forth in Art. 2.

According to Art. 2 the international commission of certain crimes shall be made by each state party to the Convention a crime under its internal law. These crimes are: a) A murder, kidnapping or other attack upon the person or liberty of an internationally protected person; b) a violent attack upon official premises, the private accommodation or means of transport of an internationally protected person likely to endanger his person or liberty; c) threat to commit any such attack; d) an attempt to commit any such attack, and e) an act constituting participation as an accomplice in any such attack.

It is also provided that each state party to the convention shall make these crimes punishable by appropriate penalties which should take into account their grave nature.
Under Art. 3, each state party shall take such measures as may be necessary to establish its jurisdiction over the crimes set forth in Art. 2 in the following cases: a) When the crime is committed in the territory of that state or on board a ship or aircraft registered in that state; b) when the alleged offender is a national of that state; c) when the crime is committed against an internationally protected person as defined in Art. 1 who enjoys his status as such by virtue of functions which he exercises on behalf of that state. Each state shall likewise take such measures as may be necessary to establish its jurisdiction over these crimes in cases where the alleged offender is present in its territory and it does not extradite him pursuant to Art. 8 to any of the states parties to the convention. The convention does not exclude any criminal jurisdiction exercised in accordance with internal law.

Art. 4 provides that states parties shall cooperate in the prevention of the crimes set forth in Art. 2, particularly by: a) Taking all practicable measures to prevent preparations in their respective territories for the commission of those crimes within or outside their territories; b) exchanging information and coordinating, the taking of administrative and other measures as appropriate to prevent the commission of those crimes.

According to Art. 7, the state party in whose territory the alleged offender is present shall, if it does not extradite him, submit, without exception whatsoever and without undue delay, the case to its competent authorities for the purpose of prosecution, through proceedings in accordance with the laws of that state.

Art. 8 provides that to the extent that the crimes set forth in Art. 2 are not listed as extraditable offences in any extradition treaty existing between states parties, they shall be deemed to be included as such therein. States parties undertake to include those crimes as extraditable offences in every future extradition treaty to be concluded between them. It is also provided that if a state party which makes extradition conditional on the existence of a treaty receives a request for extradition from another state party with which it has no extradition treaty, it may, if it decides to extradite, consider the convention as the legal basis for extradition in respect of those crimes. Extradition shall be subject to the procedural provisions and the other pertinent conditions of the law of the requested state. States parties which do not make extradition conditional on the existence of a treaty shall recognize those crimes as extraditable offences between themselves subject to the procedural provisions and the other conditions of the law of the requested state. Each
of the crimes shall be treated, for the purpose of extradition between states parties, as if it had been committed not only in the place in which it occurred but also in the territories of the states required to establish their jurisdiction in accordance with Art. 3.

Under Art. 9, any person regarding whom proceedings are being carried out in connection with any of the crimes set forth in Art. 2 shall be guaranteed fair treatment at all stages of the proceedings.

According to Art. 13, paragraph 1, any dispute between two or more States parties concerning the interpretation or application of the convention which is not settled by negotiation shall, at the request of one of them, be submitted to arbitration. However, in paragraph 2 of Art. 13 it is provided that each state party may at the time of signature or ratification of the convention or accession thereto declare that it does not consider itself bound by paragraph 1 of Art. 13. The other states parties shall not be bound by paragraph 1 of Art. 13 with respect to any state party which has made such a reservation.

The Convention shall be open for signature by all states, until December 31, 1974 at the United Nations Headquarters in New York (Art. 14). The instruments of ratification shall be deposited with the Secretary General of the United Nations (Art. 15). The Convention shall remain open for accession by any state (Art. 16). The Convention shall enter into force on the thirtieth day following the date of deposit of the twenty-second instrument of ratification or accession (Art. 17).

It should be noted that the General Assembly of the OAS, at its third special session held in Washington, D.C. in January-February 1971, adopted the Convention to prevent and punish the acts of terrorism taking the form of crimes against persons and related extortion that are of international significance. This convention is already in force among three Member States of the OAS.