Regional and International Activities

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ORGANIZATION OF AMERICAN STATES

GENERAL ASSEMBLY

The third regular session of the OAS General Assembly was held in Washington, D. C., April 4 to 15, 1973. The Government of all OAS Member States participated in this session, and almost all were represented by their Ministers of Foreign Affairs as heads of delegations. Observers from two American States nonmembers of the OAS and from seven non-American States were present. Also present were observers from the United Nations and four of its agencies, from five OAS specialized agencies and seven inter-American organizations.

According to its Rules of Procedure, the work of the Assembly was distributed among the following Committees: First Committee (Juridical-Political Matters); Second Committee (Economic and Social Matters); Third Committee (Educational, Scientific and Cultural Matters); Fourth Committee (Administrative and Budgetary Matters); General Committee; Committee on Credentials, and Style Committee. Some of the committees created working groups to cooperate in the study of the topics assigned.

During this session the General Assembly approved thirty-seven resolutions, that is AG/RES. 99 (III-O/73) to AG/RES. 136 (III-O/73). All resolutions are preceded by the symbol AG and after the number of the resolution there is in parenthesis an indication of the third regular session held in 1973, that is (III-O/73). These symbols are not repeated here.

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

A report on some of the resolutions adopted by the General Assembly during its third regular session follows:

**Draft Instrument to Define Violations of the Principles of Nonintervention**

In Resolution 100, the General Assembly requested the Permanent Council of the OAS to present to the fourth regular session of the General Assembly, if possible, the study entrusted to it by Resolution AG/RES.80 (II-O/72), on the Draft Instrument on Violations of the Principle of Nonintervention prepared by the Inter-American Juridical Committee in 1959, together with any new related document which the Committee may consider it advisable to submit.

**Inter-American System for the Maintenance of Peace**

At its second regular session of the General Assembly, through Resolution AG/RES.81 (II-O/72), requested the Permanent Council, in accordance with article 91.f of the Charter, to formulate whatever observations it deemed appropriate on the opinion presented by the Inter-American Juridical Committee, in compliance with resolution AG/RES.54 (I-O/71) on "Strengthening of the Inter-American System for the Maintenance of Peace," and to submit those observations to the General Assembly at its third regular session. By Resolution 101 adopted at that session, the General Assembly extended the mandate entrusted to the Permanent Council in Resolution 81 for one year.

**Standards on Reservations to Inter-American Multilateral Treaties**

At the second regular session of the General Assembly, a working group of the First Committee prepared a draft resolution entitled "Rules on reservations to multilateral inter-American treaties." Through resolution AG/RES.90 (II-O/72), approved at the same session, the General Assembly authorized the transmittal of the draft resolution to the govern-
MENTS OF THE MEMBER STATES FOR THEIR OBSERVATIONS. THE OBSERVATIONS WERE THEN TO BE SENT TO THE PERMANENT COUNCIL WHICH WOULD STUDY THE DRAFT RESOLUTION ON THE BASIS OF THOSE OPINIONS AND SUBMIT ITS CONCLUSIONS TO THE GENERAL ASSEMBLY AT ITS THIRD REGULAR SESSION. PURSUANT TO THE INSTRUCTIONS RECEIVED, THE PERMANENT COUNCIL PREPARED AND SUBMITTED TO THE GENERAL ASSEMBLY AT ITS THIRD REGULAR SESSION, A SET OF DRAFT STANDARDS ON RESERVATIONS TO INTER-AMERICAN MULTILATERAL TREATIES.

IN RESOLUTION 102 THE GENERAL ASSEMBLY EXPRESSED THE DESIRABILITY OF ADOPTING NEW STANDARDS ON THE SUBJECT TO REPLACE THOSE APPROVED IN 1932 BY THE THEN GOVERNING BOARD OF THE PAN AMERICAN UNION, AS WELL AS THOSE ADOPTED BY RESOLUTION XXIX OF THE EIGHTH INTERNATIONAL CONFERENCE OF AMERICAN STATES. IN THE SAME RESOLUTION THE GENERAL ASSEMBLY APPROVED THE STANDARDS ON RESERVATIONS TO INTER-AMERICAN MULTILATERAL TREATIES. THESE STANDARDS ARE DIVIDED INTO FIVE MAIN CHAPTERS: A. FORMULATION OF RESERVATIONS TO INTER-AMERICAN MULTILATERAL TREATIES; B. WITHDRAWAL OF RESERVATIONS; C. LEGAL EFFECTS OF THE ACCEPTANCE OR NONACCEPTANCE OF RESERVATIONS; D. STANDARDS FOR THE GENERAL SECRETARIAT AS DEPOSITORY OF INTER-AMERICAN MULTILATERAL TREATIES; FINAL PROVISIONS.

ACCORDING TO CHAPTER A OF THE STANDARDS, STATES MAY MAKE RESERVATIONS TO MULTILATERAL INTER-AMERICAN TREATIES AT THE TIME OF SIGNING, RATIFYING, OR ADHERING TO A TREATY, UNLESS THE TREATY PROVIDES FOR THE CONTRARY OR CONTAINS SPECIAL PROVISIONS ON RESERVATIONS. RESERVATIONS TO A TREATY WILL HAVE NO EFFECT UNLESS THE RESERVING STATE REITERATES THOSE RESERVATIONS AT THE TIME OF DEPOSITING ITS INSTRUMENT OF RATIFICATION OR ADHERENCE. A RESERVATION EXPRESSLY AUTHORIZED BY A TREATY DOES NOT REQUIRE ANY SUBSEQUENT ACCEPTANCE BY THE OTHER CONTRACTING STATES UNLESS THE TREATY SO PROVIDES. WHEN, FROM THE OBJECT AND PURPOSE OF A TREATY AND THE LIMITED NUMBER OF THE NEGOTIATING STATES IT APPEARS THAT THE APPLICATION OF THE FULL TREATY TO ALL THE PARTIES IS AN ESSENTIAL CONDITION TO THEIR ACQUIESCENCE TO BE BOUND BY THE TREATY, A RESERVATION REQUIRES ACCEPTANCE BY ALL THE PARTIES. WHEN A TREATY IS A CONSTITUENT INSTRUMENT OF AN INTER-AMERICAN ORGANIZATION AND, UNLESS IT IS PROVIDED OTHERWISE, A RESERVATION REQUIRES THE ACCEPTANCE OF THE COMPETENT ORGAN OF THAT ORGANIZATION.

MOREOVER, THE RESOLUTION PROVIDES THAT WHEN A STATE INTENDS TO DEPOSIT WITH THE GENERAL SECRETARIAT, AN INSTRUMENT OF RATIFICATION OR ADHERENCE TO A TREATY, WITH RESERVATIONS, REGARDLESS OF WHETHER OR NOT THOSE RESERVATIONS WERE MADE AT THE TIME OF SIGNING THE TREATY, THE TEXT OF THE RESERVATIONS SHALL BE SENT TO THE GENERAL SECRETARIAT PRIOR TO THE DEPOSIT OF THE
instrument, for compliance with the consultation provision contained in Section D of the standards. If the contracting States consulted by the General Secretariat on the text of the reservations have not formulated their objections within a period of one year from the date of the General Secretariat's communication, the reservations shall be considered accepted by those States. As to the other States notified by the General Secretariat, unless they formulate their objections, it shall be considered that each State accepts the reservations on the date on which deposit of its instrument of ratification or adherence to the treaty is made.

On the question of withdrawals of reservations, chapter B of the resolution provides that States may withdraw such reservations at any time, either before or after the other States have accepted or objected to them. In like manner, States which have objected to reservations may accept them at a later date. Unless the treaty otherwise provides, or it is otherwise agreed upon, the withdrawal of a reservation becomes operative in relation to another contracting State only when notice of such withdrawal has been received by that State; the withdrawal of an objection to a reservation becomes operative only when notice of such withdrawal has been received by the State that formulated the reservation.

The legal effects of the acceptance or nonacceptance of reservations are discussed in chapter C. In the case of States which have deposited their respective instruments of ratification or adherence without reservations, the treaty shall be in force as originally signed. As regards States which have deposited their respective instruments of ratification or adherence, with reservations, and contracting States which have accepted such reservations, the treaty shall be in force as modified by those reservations. In the matter of a reserving State and a State that has objected to its reservations, the treaty shall remain in force, unless the objecting State unequivocally expresses its intention to the contrary. If the objecting State does not oppose the treaty's being in force, the provisions affected by the reservation shall be inapplicable between the two States, to the extent determined by the reservation.

Chapter D of the resolution contains the standards to be followed by the OAS General Secretariat. In the performance of its functions as depository of inter-American multilateral treaties, in accordance with art. 118.f of the Charter of the OAS the General Secretariat shall observe certain of the standards specified in the resolution, which are, among others: to assume custody of the original treaty and of the full powers; to furnish certified copies of the treaty to all Member States of the OAS.
and to nonmember States that have signed it or adhered to it or that express an intention to adhere to the treaty; to transmit to those States the text of the reservations, and to consult the contracting States as to whether or not they object to the reservations; to receive and maintain custody of the instruments of ratification and adherence, including reservations. In the event of any difference between a State and the dependency as to the performance of the latter’s functions, the depository shall bring the question to the attention of the signatory States and the contracting States or, where appropriate, of the competent organ of the inter-American organization concerned. The OAS General Secretariat should also register the treaty with the Secretariat of the United Nations.

Finally, the resolution provides that the standards shall apply to all reservations sent to the General Secretariat after the date on which these standards are approved, i.e. April 14, 1973.

*Draft Inter-American Convention on Extradition*

On February 7, 1973 the Inter-American Juridical Committee approved a draft Inter-American Convention on Extradition. Unfortunately, the Permanent Council lacked the time to study the draft and to make observations in accordance with the provisions of art. 91.f of the OAS Charter and of Resolution AG/RES.91 (II-O/72). For this reason, the General Assembly, through Resolution 103 requested the Permanent Council to study the Draft Inter-American Convention on Extradition prepared by the Inter-American Juridical Committee, and to submit such observations as it may deem advisable to the General Assembly at its fourth regular session.

*Highway and Travel Congresses*

Resolutions 108 and 109 of the General Assembly cover these Congresses. The Highway Congresses and the Travel Congresses have been a significant activity of the inter-American system for several years, and their achievements are substantial.

After a few years of reorganization and reappraisal, the Organization Plans of these two Congresses were finally submitted for consideration by the General Assembly. They were approved by resolutions 108 and 109.

Preliminary information on these Plans, which were considered by CIES, appeared in *Law Am.* 352, 1973. The plans have now been
approved by the General Assembly, with certain modifications.

Following is a report on the two resolutions, under separate chapters.

Organization Plan of the
Pan American Highway Congresses

In Resolution 108 the General Assembly approved the Organization Plan of the Pan American Highway Congresses.

The Organization Plan contains fifteen articles and is divided into thirteen chapters: Objectives, Relations with the OAS, Organizing Committee, Congress’ Meetings, Participation in the Congresses, Officers of the Congresses, Draft Agenda and Regulations, Permanent Executive Committee, Technical Committee, Permanent Secretariat, Cooperation with National Highway Department, Finances, and Amendments to the Plan.

The objectives of the Pan American Highway Congresses are, among others: to promote, by all possible means, the development of highways and road transportation in the American Hemisphere in order to speed up the progressive integration of the Pan American highway system with the national and international transportation system; to stimulate multinational coordination of highway planning, programming, financing, and administration; to promote the opening of large highways of multinational interest, by supporting the financial negotiations of the interested countries; to promote uniformity of highway and traffic standards throughout the Hemisphere; to act as the principal advisory organ of the OAS in all matters relating to highways; to study, propose and sponsor, through the OAS, the adoption of official agreements among the American governments relating to studies for the planning, design, construction, improvement and maintenance and use of highways; to promote the holding of meetings of specialists at the national, regional, or Hemisphere level in the various technical fields relating to highways and other means of transportation and in order to link them with one another; to encourage community action and the participation of private initiative in each country in official efforts in behalf of highways and transportation.

The meetings of the Congresses may be regular or special. Regular meetings shall be held every four years, if possible in each of the American countries in rotation. Special meetings shall be held when so requested by the Permanent Executive Committee on its own initiative or at the request of a majority of the governments of the Member States of the OAS.
The Permanent Executive Committee of the Pan American Highway Congresses, attached to CIES, shall have, with the assistance of the technical committees of experts and the Permanent Secretariat, the specific function of promoting the implementation of the resolutions of each Congress. It shall also transmit an annual report on its activities to the competent organ of the OAS and to the governments of the Member States. The Committee shall act within the objectives and resolutions of the Congresses.

The Committee shall be composed of representatives of the governments of eleven countries, nine of which shall be designated by each Congress by a simple majority of votes, observing insofar as possible the principle of rotation and of equitable geographic representation. The other two shall be: one, the representative of the host country of the Congress, and the other, the representative of the host country of the next Congress.

The seat of the Committee shall be in the country elected to preside over it during the period between one regular Congress and the next; it cannot be designated for more than two consecutive periods. Membership in the Committee shall be for the period between one regular Congress and the next. The Committee shall meet at least once each year at the General Secretariat of the OAS or in the country of the Chairman, if he so decides. Decisions of the Committee shall be taken by a majority of a minimum of six votes. Each member shall have one vote. The meetings of the Permanent Executive Committee may be attended by member countries that are not members thereof, in which case their representatives shall have the right to voice, but not to vote, in the meetings. The country elected to preside over the Permanent Executive Committee shall provide, at its own expense, the officers and personnel necessary to carry out its obligations and functions.

On the question of technical committees, the Organization Plan provides that the Congresses shall appoint at their own initiative or at the proposal of the Permanent Executive Committee, such technical committees as they may deem necessary to achieve the objectives of the Congresses. The mandates of such committees shall be stipulated in each case. These committees, which shall be responsible to the Permanent Executive Committee, shall serve as consultative agencies to render technical assistance to the Member States of the OAS. Each Congress shall designate the countries that will serve as the respective seats of the technical committees. The country which is selected as the host country and accepts that responsibility shall provide at its own expense the premises, personnel and
whatever else may be necessary for the best performance of the duties and functions of the committee. The members of the committees shall be appointed by the governments concerned.

The General Secretariat of the OAS shall provide permanent secretariat services for the Pan American Highway Congresses in accordance with the decisions of the pertinent organ of the OAS, and as provided in the Organization Plan. The officers and other personnel of the Permanent Secretariat are appointed by the Secretary General of the OAS.

Each country represented in the Congresses, on the Permanent Executive Committee, and on the technical committees and subcommittees that are established shall meet the expenses of its own delegates. The expenses of the organizing and holding the Congresses shall be borne by the host country, with the cooperation of the General Secretariat of the OAS. The operating expenses of the Permanent Executive Committee shall be borne by the host country.

Organization Plan of the Inter-American Travel Congresses

In Resolution 109, the General Assembly approved the Organization Plan of the Inter-American Travel Congresses. The Plan contains thirty-six articles divided into the following main chapters: Nature of the Inter-American Travel Congresses, Authority (purpose and functions), Meetings, Composition of the Congresses, Permanent Executive Committee, Technical Committees, Permanent Secretariat, Expenditures, Cooperation with National Travel Organizations, Regional Travel Congresses, Amendments to the Plan.

According to the Organization Plan, the Inter-American Travel Congresses are Specialized Conferences in accordance with art. 51.g, 128 and 129 of the Charter of the OAS. The Congresses are a permanent series, attached to the Inter-American Economic and Social Council (CIES), and fulfill their objectives through regular and special meetings of their Permanent Executive Committee and their technical committees, with the collaboration of the General Secretariat of the OAS.

The purposes and functions of the Congresses are, among others, the following: To aid and promote, by all means at their disposal, the development and progress of tourist travel in the Americas; to organize and encourage regular meetings of technicians and experts for the study of special problems related to tourist travel; to encourage the preparation
of studies to make possible the development of tourist travel; to maintain close contacts with the various intergovernmental and private organizations having to do with tourist travel, and strive to coordinate their activities; to foster the harmonization of laws and regulations concerning tourist travel; to consider projects for technical assistance and cooperation; to disseminate among all the American countries information regarding the achievement of their objectives; to study, propose and sponsor, through the OAS, the adoption of official agreements among the American governments relating to tourist travel; to work toward improvement and uniformity of administrative and financial procedures relating to tourist travel services in the American countries; to serve as advisory body of the OAS and its organs in all matters related to tourism in the Hemisphere.

The Congresses shall meet regularly every three years and shall be consecutively numbered, continuing the sequence already established. Special Congresses shall be held when the General Assembly or the Meeting of Consultation of Ministers of Foreign Affairs so decides. Special Congresses shall also be held in urgent cases when CIES decides to convene them in accordance with the provisions of art. 72 of the Charter of the OAS, at its own initiative or at the recommendation of the Permanent Executive Committee of the Congresses.

All member States of the OAS have the right to be represented at the Congresses. Each State has the right to one vote.

The Permanent Executive Committee of the Inter-American Travel Congresses shall be composed of specialists representing the governments of seven countries, five of which shall be designated by the Congress by a simple majority vote. The other two shall be: one, the representative of the country that is acting as host for the Congress, and the other, the representative of the host country for the next regular Congress.

The Permanent Executive Committee, assisted by the technical committees and the Permanent Secretariat, shall have the specific function of promoting the implementation of the resolutions of each Congress.

The Congresses shall appoint such technical committees as may be found necessary for carrying out the aims of the Congresses with responsibilities to be established in each case. The technical committees shall meet at least once between Congresses at their respective headquarters. Each Congress shall designate the countries that will serve as headquarters of the technical committees.
In addition to the technical committees that may be designated by the Congresses, the following basic technical committees are established by the Organization Plan: a. On research and planning; b. on facilitation; c. on tourist travel promotion; d. on organization and training.

The General Secretariat of the OAS shall provide permanent secretariat services to the Congresses in accordance with the standards governing the General Secretariat, the resolutions adopted by the OAS General Assembly, and the Organization Plan. The officers and personnel of the Permanent Secretariat are appointed by the Secretary General of the OAS.

Expenditures for the organization and holding of the Congresses shall be paid by the organizing member State. Each country represented on the Permanent Executive Committee and on the technical committees shall defray the transportation and travel expenses of its own delegates or representatives. As regards the expenses of organizing and holding the meetings of the Permanent Executive Committee, and of the technical committees, they shall be borne by the country in which the meeting is held.

Regional Travel Congresses, organized by members of the OAS, shall come under the provisions of the Organization Plan, provided that the rules regulating them are approved by the Permanent Executive Committee of the Inter-American Travel Congresses.

**Human Rights**

In Resolution 110 the General Assembly urged the Member States to the OAS to ratify or adhere to the American Convention on Human Rights, the "Pact of San José, Costa Rica," signed at San José on November 22, 1969.

**General Standards to Govern the Operations of the OAS General Secretariat**

Through Resolution 123, the General Assembly approved the General Standards to Govern the Operations of the General Secretariat of the OAS. This document contains 113 articles.

**Coordination of Activities of the Organs of the OAS**

In Resolution 125, the General Assembly authorized the transfer to the Preparatory Committee of the General Assembly, of the function to
coordinate the activities of the Councils and other organs, agencies and entities of the OAS. These functions were initially conferred upon the Permanent Council by Resolution 52 adopted at the first regular session of the Assembly. Among the functions conferred on the Preparatory Committee by Resolution 125 is decision-making power in matters pertaining to coordination among the Councils and between them and other organs, agencies, and entities of the OAS.

In Resolution 126, the General Assembly entrusted to the Preparatory Committee the task of examining the annual reports of the organs, agencies and entities of the inter-American system, and of submitting to the General Assembly such recommendations thereon as may be deemed advisable to expedite the Assembly's performance of its functions. In the same resolution, the Assembly instructed those organs, agencies and entities to present their reports to the General Assembly at least sixty days prior to the opening date of its regular session, so that they may first be examined by the Preparatory Committee.

Special Committee to Study the Inter-American System and to Propose Measures for its Restructure

In the preamble of Resolution 127 it is stated that several Member States are of the opinion that the restructuring or general reform of the inter-American system is urgent and necessary and have presented proposals, suggestions and observations to properly orient the political, economic, social and cultural relations among the Member States of the inter-American system on the basis of respect for the principles of juridical equality of States, self-determination, nonintervention, and recognition of the plurality of political, economic and social systems. It is also stated that the inter-American system must be equipped to serve and cooperate with the Member States to effect the changes they adopt, of other own sovereign will, in their internal social and economic structure, and that the inter-American system also must be organized to facilitate and promote international social justice as a necessary precondition to hemisphere peace and security.

In the operative part of Resolution 127 the General Assembly created a Special Committee composed of representatives appointed by each Member State. This Special Committee, taking into account the principles and purposes of the inter-American system and of the Charter of the OAS, shall conduct a comprehensive critical study, analysis, and evaluation of the philosophy, instruments, structure, and functioning of the inter-Ameri-
can system and propose its restructuring and the reforms and measures necessary to enable it to respond adequately to the new political, economic, social and cultural situations in all Member States, and to hemisphere and world conditions. The Special Committee shall be guided in its work by the need to secure just terms and to provide security for the free and comprehensive development of each of the Member States.

It is provided that to carry out its work the Special Committee should take into account all elements considered pertinent, and, among others, the statements made by the heads of the delegations at the third regular session of the Assembly; the working document presented by Venezuela and the pertinent documentation of the General Assembly; the statements, observations, recommendations, and proposals that the governments of the Member States have made or may make; the observations of the Permanent Council, the Chairman of CIAP, the Chairman of CEPCIECC, and the observations, statements, and proposals that have been made or may be made by other organs, agencies, and entities of the inter-American system; the studies, reports, resolutions, and recommendations of organs and agencies of the United Nations, CECLA, and Latin American integration organizations dealing with inter-American political, economic, social, and cultural relations, especially as regards systems for financing, foreign investment, trade, and transfer of technology.

Furthermore, it is provided that the organs, subsidiary agencies and other entities of the OAS shall provide any cooperation requested by the Special Committee for the better fulfillment of its objectives.

The Preparatory Committee of the General Assembly was charged with the task of preparing draft rules of procedure of the Special Committee. The General Secretariat shall provide the Special Committee with the secretariat services requested and all necessary help in performing its duties.

The Special Committee held its first meeting in Lima during June-July 1973. It is next scheduled to meet in Washington, D.C. in early September to continue studying the structure of the Inter-American System. A final report of the Lima meeting declares that the American nations seek "a deep and integral reform of the Inter-American System, to enable it to respond adequately to the political, economical, social and cultural situations in the Hemisphere and the World." The Committee is scheduled to conclude its studies by the end of November, 1973, and its final report will be presented to the next General Assembly to be held in Atlanta, Georgia in 1974.
Principles Governing Relations among the American States

In Resolution 128, the General Assembly declared that in accordance with the principles of the Charter of the OAS and especially with the principles of mutual respect of sovereignty, the self-determination of peoples, and the juridical equality of States, every State has the right to adopt, with complete independence, its own system of government and economic and social organization. The Resolution also states that under the OAS Charter, plurality of ideologies is a presupposition of regional solidarity, which is based on the concept of cooperation freely accepted by sovereign States, to achieve the objectives of maintenance of peace and understanding among them for the sake of their vigorous and dynamic development in the economic and social fields and in the fields of education, science and culture. In addition, it states that plurality of ideologies in relations among the Member States implies the duty of each State to respect the principles of nonintervention and self-determination of peoples and the right to demand compliance with those principles by other States. This declaration is made without prejudice to the standards and obligations of the Charter of the OAS, the special treaties mentioned therein and Resolution 78 of the second regular session of the General Assembly.

Transnational Enterprises

In Resolution 130, the General Assembly urged the Member States to adopt whatever measures that may be necessary to prevent transnational enterprises from engaging in acts of intervention in the internal or external affairs of the States.

Other Resolutions of the General Assembly

Several other resolutions taken by the General Assembly at its third regular session deal with administrative and budgetary matters, and in some others the Assembly takes note of annual reports submitted by the principal organs of the OAS.

Place and Date of the Fourth Regular Session of the General Assembly

In Resolution 136, the last one of the third regular session, the General Assembly thanked the Government of the United States of America
for its offer to be host to the fourth regular session. The Assembly decided that the fourth regular session shall be held between April 19 and May 5, 1974 in the territory of the United States of America, and authorized the Permanent Council to set the definitive date and place for holding the said fourth session.

According to a communication from the Government of the United States and a decision by the Permanent Council, the fourth regular session of the General Assembly will be held in Atlanta, Georgia, during the said dates.

UNITED NATIONS

UNITED NATIONS COMMISSION ON INTERNATIONAL TRADE LAW (UNCITRAL)

UNCITRAL held its sixth session at Geneva from April 2 to 13, 1973 during which the following main topics were considered: International sale of goods, international payments, international legislation on shipping, international commercial arbitration, training and assistance in the field of international law and multinational enterprises. With the exception of the last one, the other topics had been considered in previous sessions of UNCITRAL and working groups had been established to deal with some of them.

The Report on this session has been published by the United Nations. General Assembly Official Records: Twenty-eighth Session, Supplement No. 17 (A/9017). The information provided here is taken from the said report.

International Sale of Goods

At its second session, UNCITRAL established a Working Group on the International Sale of Goods requesting it to ascertain which modifications of the text of the Uniform Law on the International Sale of Goods, annexed to the 1964 Convention, might render the Convention more susceptible to acceptance, or whether it would be necessary to draft a new text to this effect. At its fourth session, UNCITRAL agreed that until the new text of a uniform law or a revised text has been completed, the Working Group should submit a progress report on its work
at each session of the Commission. The last report presented by the Working Group was the progress report on its fourth session held in New York from January 22 to February 2, 1973.

At its sixth session UNCITRAL acknowledged the report and recommended that the Working Group consider the comments and proposals made during the sixth session of the Commission. It also requested the Working Group to continue its work.

International Payments. Negotiable Instruments

The United Nations Secretariat submitted to the fifth session of the Commission (1972) a draft document entitled "Draft Uniform Law on International Bills of Exchange and Commentary," prepared in accordance with a recommendation made by UNCITRAL at the fourth session. The draft did not include promissory notes or checks. At the fifth session, UNCITRAL appointed a Working Group to prepare a final draft uniform law on bills of exchange and international promissory notes.

At the sixth session (1973) the Commission received the report of the Working Group on the work of its first session held in Geneva in January 1973, and considered art. 12 to 40 of the draft uniform law relating to the transfer and negotiation of an international bill of exchange or an international promissory note (art. 12 to 22), the rights and liabilities of the signatories of such instruments (art. 27 to 40), and the definition and the rights of a "holder" and a "protected holder" (art. 5, 6 and 23 to 26).

The Commission agreed to request the Working Group to continue its work and to complete it expeditiously. It also requested the Secretary General to carry out further work in connection with the draft uniform law and with the inquiry to be conducted regarding the use of checks in settling international payments.

International Legislation on Shipping

At its fourth session, UNCITRAL examined the rules governing the responsibility of cargo ocean carriers for cargo. The Commission stated that "the rules and practices concerning bills of lading, including those rules contained in the International Convention for the Unification of Certain Rules of Law relating to Bills of Lading (the Brussels Conven-
tion 1924) and in the Protocol to amend that Convention (the Brussels Protocol 1968) should be examined with a view to revising and amplifying the rules as appropriate, and that a new international convention may, if appropriate, be prepared for adoption under the auspices of the United Nations."

To carry out this work, the Commission created a Working Group on International Legislation on Shipping consisting of twenty-one members of the Commission. This is the largest working group established by UNCITRAL.

The reports of the fourth (1972) and fifth (February 1973) sessions of the Working Group were presented at the sixth session of UNCITRAL. In connection with the report on the fourth session, it was stated that the Working Group had prepared draft legislative texts on the basic rules governing the responsibility of the carrier. It was indicated that the unified rules on responsibility and burden of proof omitted the exceptions to the carrier's responsibility contained in the Brussels Convention of 1924. It was also observed that the Working Group had drafted provisions on arbitration clauses in bills of lading, and that the provisions on arbitration indicated the places where the proceedings should be instituted. In connection with the report of the fifth session of the Working Group, it was stated that the Group had taken decisions with respect to the rules on limitation of the carrier's liability. The Group followed the approach of the Brussels Protocol of 1968 which prescribes alternative upper limits based on the number of packages and the weight of goods lost or damaged.

The Commission agreed that a decision concerning the action by the Working Group should be deferred until the proposed legislative provisions could be studied as a whole. The Commission, therefore, took note of the reports of the fourth and fifth sessions of the Working Group, and requested the Group to continue its work and to complete it expeditiously.

International Commercial Arbitration

On this topic UNCITRAL adopted a decision recommending that the General Assembly invite the 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. It invites the Economic Commission for Europe to draw the attention of the States which are eligible to ratify or accede to the 1961 European
Convention on International Commercial Arbitration but have not done so, and to invite them to indicate whether or not they intend to adhere to it. The Commission also requested the Secretary General, in consultation with regional economic commissions of the United Nations and centers of international commercial arbitration, and giving due consideration to the Arbitration Rules of the UN Economic Commission for Europe and the ECAFE Rules for International Commercial Arbitration, to prepare a draft set of arbitration rules for optional use in *ad hoc* arbitration relating to international trade. The Commission further requested the Secretary General to submit the draft to the Commission's eighth session, or a report, should his studies indicate that the drawing up of such rules is not desirable.

*Training and Assistance in the Field of International Trade Law*

The Commission decided to express its appreciation to those governments which have made voluntary contributions for the implementation of its program of training and assistance in the field of international trade law, and expressed the hope that further contributions will be made. The Commission requested the Secretary General: a) To accelerate and intensify the activities relating to the above program of training and assistance, with special regard to the needs of developing countries; b) to organize, in connection with the eighth session of the Commission, an international symposium on the role of universities and research centers in the teaching, dissemination and wider appreciation of international trade law, and to seek voluntary contributions from Governments, international organizations and foundations to cover the cost of travel and subsistence of participants from developing countries; c) To explore the possibility of the UNITAR arranging seminars in developing countries on international trade law.

*Multinational Enterprises*

At its twenty-seventh session, the United Nations General Assembly adopted Resolution 2928 (XXVII) of November 28, 1972, based on the report of UNCITRAL. In paragraph 5 of the Resolution the General Assembly invited UNCITRAL to request from Governments and interested international organizations, information relating to legal problems presented by the different kinds of multinational enterprises, and the implications thereof on the unification and harmonization of international
trade law, and to consider, in the light of this information and the results of available studies, including those by the International Labour Organization (ILO), the United Nations Conference on Trade and Development and the Economic and Social Council, what further steps would be appropriate in this regard.

On March 16, 1973 the United Nations published a Note by the Secretary General on multinational enterprises (A/CN. 9/83), giving background information on this matter, and suggesting possible action by UNCITRAL. The document refers to a resolution adopted by the General Conference of ILO on June 23, 1971 in which the General Conference noted the decision of ILO's Governing Body to consider holding a technical meeting on the possibilities of action by ILO regarding the relationship between multinational undertakings and social policy. The meeting was held October 26 - November 4, 1972.

Reference is also made of the third session of UNCTAD held in Santiago, Chile, from April 13 to May 12, 1972. In Resolution 73 (III) adopted on May 19, 1972, UNCTAD recommended that every effort should be made to alleviate and, wherever possible eliminate, restrictive business practices adversely affecting the trade and development of developing countries. It established an Ad Hoc Group of Experts on Restrictive Business Practices. The terms of reference of the Group include, among others, the following: The identification of all restrictive business practices including those resulting from activities of multinational corporations and enterprises which adversely affect the trade and development of developing countries with a view to submitting recommendations to the Committee on Manufactures for alleviating and where possible, eliminating such practices.

The document of the UN Secretariat was submitted to the sixth session of UNCITRAL. According to the report of this session, some representatives observed that the term "multinational enterprises" was not a legal term; the law at its present stage of development, recognized only enterprises incorporated under national law and the Commission ought therefore to define the term.

It is also indicated in the report that the observer for the Commission of European Communities stated that the European Economic Community had a special interest in the problem. He suggested that the definition of a multinational enterprise should be conceived in both legal and economic terms. The hallmark of such enterprises was that the decision-making body had its center in one country and that its
On April 11, 1973 UNCITRAL adopted a decision on this topic. It requested the Secretary General: 1) To draw up a questionnaire designed to obtain information concerning legal problems presented by multinational enterprises, and possible implications of such problems on the unification and harmonization of international trade law, and to seek suggestions regarding the areas where appropriate measures might be taken by the Commission, and to address that questionnaire to Governments and interested international organizations, based on the views expressed by the different representatives during the discussion of the item; 2) to prepare a report for the Commission’s consideration, setting forth: (a) an analysis of the replies to the questionnaire; (b) a survey of available studies, including those by United Nations organs and agencies, revealing problems which arise in international trade as a result of the operation of multinational enterprises, and which may be solved by the application of uniform legal rules; (c) suggestions as to the Commission’s future course of action; 3) to bring this report before the Commission at a future session.